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STATE OF NEW MEXICO
ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING
CALLED BY OIL CONSERVATION
DIVISION FOR THE PURPOSE OF

CONSIDERING: Docket No.
Case Nos. 25413, 25234, 25235, 25-25
25409, 25347, 25348, 25388,
25390, 25391, 25393

HEARING
DATE: Tuesday, July 15, 2025
TIME: 9:00 a.m.
BEFORE: Hearing Examiner Gregory A. Chakalian
LOCATION: Pecos Hall
Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 7396393

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A P P E A R A N C E S

ON BEHALF OF APPLICANT LEA MIDSTREAM, LLC:

MICHAEL H. FELDEWERT, ESQUIRE

Holland & Hart LLP

110 North Guadalupe Street, Suite 1

Santa Fe, NM 87501

mfeldewert@hollandhart.com

(505) 988-4421

ON BEHALF OF PERMIAN RESOURCES OPERATING LLC, BTA OIL
PRODUCERS LLC, AND MEWBOURNE OIL COMPANY:

DANA S. HARDY, ESQUIRE

Hardy McLean LLC

125 Lincoln Avenue, Suite 223

Santa Fe, NM 87501

dhardy@hardy.com

(505) 230-4410

1 A P P E A R A N C E S (Cont'd)
2 ON BEHALF OF MRC PERMIAN COMPANY, MEWBOURNE OIL
3 COMPANY, AND MATADOR PRODUCTION COMPANY:

4 PAULA M. VANCE, ESQUIRE
5 Holland & Hart LLP
6 110 North Guadalupe Street, Suite 1
7 Santa Fe, NM 87501
8 pmvance@hollandhart.com
9 (505) 988-4421

10
11 ON BEHALF OF AVANT OPERATING II, LLC AND DOGWOOD
12 EXPLORATION, LLC:

13 YARITHZA PENA, ESQUIRE
14 Modrall Sperling
15 500 4th Street Northwest, Suite 1000
16 Albuquerque, NM 87102
17 yarithza.pena@modrall.com
18 (505) 848-1800

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF DEVON ENERGY:

DARIN C. SAVAGE, ESQUIRE
Abadie & Schill, P.C.
214 Mckenzie Street
Santa Fe, NM 87501
darin@abadieschill.com
(970) 385-4401

ON BEHALF OF WYOTEX DRILLING VENTURES, LLC, YEAGER
RESOURCES, LTD., PATSY HINCHEY FAMILY, LTD., SEVENWAYS
2 MINERALS, LTD., THE CAROL ANN SANDQUIST 1995
MANAGEMENT TRUST, BLESSED INCOME, LLC, MARY HELEN
ENERGY, LLC, POPS MINERALS, LLC, AND MCRAE MANAGEMENT
TRUST:

SCOTT S. MORGAN, ESQUIRE (by videoconference)
Cavin & Morgan P.A.
40 First Plaza Center Northwest, Suite 610
Albuquerque, NM 87102
smorgan@cilawnm.com
(505) 243-5400

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A P P E A R A N C E S (Cont'd)
ON BEHALF OF STEPHANIE GARCIA RICHARD, COMMISSIONER OF
PUBLIC LANDS AND THE STATE LAND OFFICE:

ARI BIERNOFF, ESQUIRE
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504
abiernoff@nmslo.gov
(505) 827-5756

ALSO PRESENT:

Dean McClure, Technical Examiner (by
videoconference)
Freya Tschantz, Law Clerk

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I N D E X

WITNESSES:	DX	CX	RDX	RCX
TIFFANY SARANTINOS				
By Ms. Pena	30			
CHRIS HALFAST				
By Mr. Feldewert	76			
By Mr. Biernoff		81		
DAVID WHITE:				
By Mr. Feldewert	98			
By Mr. Biernoff		103		
By Mr. Feldewert			133	

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case Nos. 25234 and 25235:		
Exhibit A3	Revised MOC Exhibit A3	12/12
Case No. 25288:		
Exhibit C2	Revised MOC Exhibit C2	14/14
Case No. 25409:		
Exhibit C4	Revised Matador Production	
	Exhibit C4	16/16

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Nos. 25347 and 25348:		
4	Exhibit A	Self-affirmed Declaration	
5		of Tiffany Sarantinos,	
6		Senior Landman	22/22
7	Exhibit B	Self-Affirmed Declaration	
8		of John Harper, Geologist	22/22
9	Exhibit C	Self-Affirmed Declaration	
10		of Shane Kelly, Vice	
11		President of Engineering	
12		and Construction	22/22
13	Exhibit D	Self-affirmed Declaration	
14		of Ms. Pena and Notice of	
15		Mailing and Affidavit of	
16		Publication Hobbs New-Sun	22/22
17			
18	Case Nos. 25388, 25390, 25391 and 25393:		
19	Exhibit A	Compulsory Pooling	
20		Application	48/48
21	Exhibit B	Application Check List	48/48
22	Exhibit C	Self-Affirmed Declaration	
23		of Addison Costley, Landman	48/48
24	Exhibit D	Self-Affirmed Declaration	
25		of Joshua Burrus, Geologist	48/48

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Nos. 25388, 25390, 25391 and 25393:		
4	Exhibit E	Self-Affirmed Declaration	
5		of Ms. Vance and Notice	48/48
6		of Mailing and Publication	
7	Exhibit F	Affidavit of Publication	
8		By Ms. Vance	48/48
9			
10	Case No. 25413:		
11	Exhibit A	C108 Application Lea	
12		MidStream	103/103
13	Exhibit B	Self-Affirmed Declaration	
14		of Chris Halfast, Engineer	103/103
15	Exhibit C	Self-Affirmed Declaration	
16		of David White, Geologist	103/103
17	Exhibit D	Revised Exhibit D Lea	
18		Midstream	103/103
19	Exhibit E	Revised Exhibit E Lea	
20		Midstream	103/103
21	Exhibit F	Letters of Support	
22		Re: Wells	134/
23		(Exhibit Rejected)	
24			
25			

1 P R O C E E D I N G S

2 THE HEARING EXAMINER: Good morning.

3 It is 9:00 a.m. on July 15th. This is a special
4 docket held by the Oil Conservation Division to hear
5 particular cases that were either continued from other
6 dockets or require special assistance of the technical
7 team. We also had some cases that were contested,
8 that I understand at the last minute, last night,
9 became uncontested. We need to talk about that when
10 it comes to the court reporter and charges that the
11 division incurs. We have a cutoff time of 3:00 p.m.
12 the day before to inform Veritext that we don't need a
13 court reporter. If these were the only cases on the
14 docket, we would have the pre-hearing order that says
15 these will be heard the 7th of August, which is the
16 next regular hearing by affidavit docket. But because
17 we had other cases today, we left them on the docket.

18 But in the future, if you have a
19 contested case and the objection is withdrawn, we need
20 to know by 3:00 p.m. the day before, so we can cancel
21 the court reporter and not have an unnecessary charge
22 to the taxpayers of New Mexico. If that doesn't
23 happen, and we do convene, then the party who is going
24 to go forward will have to pay for the court reporter,
25 if they want to go forward that day.

1 Okay. That being said, let's call our
2 first case. And we're going to move one case to the
3 end of our docket. Since we have basically all
4 hearing by affidavits today, we're going to move the
5 AGI case, which is the Lea Midstream, number 7 on our
6 docket. We're going to move that to number 11 on our
7 docket, because I anticipate that one taking the most
8 time today.

9 All right. Let us begin with cases one
10 and two on our docket. That is 25234 and 35. These
11 are Mewbourne Oil cases. Enter your appearance,
12 please.

13 MS. HARDY: Good morning, Mr. Examiner.
14 Dana Hardy with Hardy McLean, on behalf of Mewbourne
15 Oil Company.

16 MR. SAVAGE: Good morning, Mr. Hearing
17 Examiner. Darin Savage on behalf of Abadie & Schill,
18 on behalf of Devon Energy.

19 THE HEARING EXAMINER: I wonder if we
20 have anyone here from ConocoPhillips, or COG, or
21 Civitas. Ms. Hardy --

22 MR. MATNEY: Civitas, our attorney,
23 just in the last day left the company. So I'm here.
24 I'm a landman for Civitas. We have no objection to
25 anything. You already know that.

1 THE HEARING EXAMINER: Okay. Thank
2 you. Can you state and spell your name for the
3 record, please?

4 MR. MATNEY: Sure. It's Chad Matney,
5 C-H-A-D M-A-T-N-E-Y.

6 THE HEARING EXAMINER: Thank you, sir.
7 Ms. Hardy, do you know who was representing
8 ConocoPhillips, and Concho, and COG?

9 MS. HARDY: I believe it was their
10 in-house attorneys, Ms. Ryan and Ms. Hatley. I know
11 that they don't object to these cases going forward.

12 THE HEARING EXAMINER: Okay. Great.
13 Why don't you proceed. I think if I'm not mistaken,
14 you came to hearing a week or two ago. There were
15 additional exhibits and evidence required. You've
16 submitted them by the deadline and now we basically
17 turn to Mr. McClure once we admit these. So are you
18 asking for the admission of these documents?

19 MS. HARDY: Yes, I am. Mr. McClure had
20 requested an updated version of Exhibit A3 to provide
21 additional breakdown of the ownership interest, and we
22 did provide that. So I would ask that those exhibits
23 be admitted.

24 THE HEARING EXAMINER: Okay. Great.
25 And did you submit an amended exhibit packet with the

1 cover letter?

2 MS. HARDY: We did, yes.

3 THE HEARING EXAMINER: Perfect. Great.

4 So those are admitted without objection.

5 (Case 25234 and 25235 Amended Exhibit
6 A3 was marked for identification and
7 received into evidence.)

8 Mr. McClure, did you have a chance to
9 review?

10 MR. MCCLURE: Yes, I did, Mr. Examiner.

11 THE HEARING EXAMINER: And may this
12 case be taken under advisement?

13 MR. MCCLURE: Yes, it may.

14 THE HEARING OFFICER: Okay. Great.
15 And what about the next case, 25235, same?

16 MR. MCCLURE: That is correct,
17 Mr. Examiner, if you're asking me.

18 THE HEARING EXAMINER: I am. Thank
19 you.

20 Okay, Ms. Hardy. Thank you very much.

21 MS. HARDY: Thank you.

22 Now, we're moving on to number three on
23 the docket, Mewbourne Oil 25288. Enter your
24 appearance, please.

25 MS. VANCE: Good morning, Mr. Hearing

1 Examiner. Paula Vance with the Santa Fe office of
2 Holland & Hart, on behalf of the applicant Mewbourne
3 Oil Company and we are here today. I filed a revised
4 hearing packet.

5 THE HEARING EXAMINER: I was waiting
6 for someone from Bradfute Sayer --

7 MS. VANCE: Sure. Yeah.

8 THE HEARING EXAMINER: -- to enter an
9 appearance, unless they're not with us either.

10 MS. VANCE:: I didn't see either of
11 them.

12 THE HEARING EXAMINER: Okay. Let's
13 proceed.

14 MS. VANCE: So in this case we filed a
15 revised hearing packet that reflects the breakdown of
16 the voluntary interests, and I did file that before
17 5:00 p.m. Friday.

18 THE HEARING EXAMINER: And which
19 exhibit was amended?

20 MS. VANCE: I believe it would be
21 Exhibit C3, but let me just make sure really quick.

22 THE HEARING EXAMINER: Okay.

23 MS. VANCE: I'm sorry. C2.

24 THE HEARING EXAMINER: C2?

25 MS. VANCE: Uh-huh.

1 THE HEARING EXAMINER: And did you file
2 an amended packet with a cover letter?

3 MS. VANCE: Yes.

4 THE HEARING EXAMINER: Okay. Perfect.
5 So C2 is admitted as amended without objection.

6 (Case 25288 Amended Exhibit C2 was
7 marked for identification and received
8 into evidence.)

9 Mr. McClure, any questions, or can we
10 take this case under advisement?

11 MS. VANCE: Well, Mr. Hearing Examiner,
12 I have no questions. And we can take this case under
13 advisement.

14 THE HEARING EXAMINER: All right.
15 Perfect. Thank you, sir. Thank you, Ms. Vance.
16 Moving to number four on the docket, 25409 Matador
17 Production.

18 MS. VANCE: Good morning, Mr. Hearing
19 Examiner. Paula Vance with the Santa Fe office of
20 Holland & Hart, on behalf of the applicant Matador
21 Production Company.

22 THE HEARING EXAMINER: Okay.

23 MS. PENA: And good morning,
24 Mr. Hearing Examiner. Yarithza Pena with Modrall
25 Sperling on behalf of Avant Operating II, LLC and

1 Dogwood Exploration, LLC.

2 THE HEARING EXAMINER: I didn't see
3 your client listed here under other parties. When did
4 you enter an appearance?

5 MS. PENA: We entered an appearance
6 last week on Wednesday afternoon before this case went
7 to hearing. I'm sorry. Thursday morning, actually.

8 THE HEARING EXAMINER: Okay. Freya,
9 did you get an Entry of Appearance from Ms. Pena, from
10 Avant?

11 MS. TSCHANTZ: I did. I failed to add
12 it to --

13 THE HEARING EXAMINER: Oh, that's okay.
14 I just wanted to see if you got it.

15 MS. TSCHANTZ: I did.

16 THE HEARING EXAMINER: Okay. Thank
17 you. And there's no objection?

18 MS. PENA: No objection.

19 THE HEARING EXAMINER: No. Okay. So
20 last week what happened, Ms. Vance?

21 MS. VANCE: So we presented the case at
22 an earlier docket, and we were following up. So we
23 did file a revised hearing packet so that the CPAC
24 identifies the interval within the Pennsylvanian
25 formation that Mr. McClure requested we include. We

1 also updated the pooling exhibit, which would be
2 Exhibit C4 to reflect Ms. Pena's client's interest,
3 admitted as C4.

4 THE HEARING EXAMINER: Thank you. And
5 you submitted an amended exhibit packet with a cover
6 letter?

7 MS. VANCE: Yes.

8 THE HEARING EXAMINER: Okay. All
9 right. So that's admitted into evidence without
10 objection.

11 (Case 25409 Amended Exhibit C4 was
12 marked for identification and received
13 into evidence.)

14 Mr. McClure case number four, may we
15 take it under advisement?

16 MR. MCCLURE: Mr. Hearing Examiner,
17 yes, we can.

18 THE HEARING EXAMINER: Okay. Thank
19 you, sir.

20 MS. VANCE: I have just one really
21 quick question.

22 THE HEARING EXAMINER: Go ahead.

23 MS. VANCE: For clarification, just to
24 provide to clients. What is the cost of the court
25 reporter?

1 THE HEARING EXAMINER: Let me ask the
2 court reporter. He's sitting next to me. Oh, no
3 idea. Okay. He doesn't know.

4 MS. TSCHANTZ, do you happen to know
5 what it costs to have a court reporter come up to
6 Santa Fe?

7 MS. TSCHANTZ: On average our
8 transcripts are about three to four thousand dollars
9 per hearing.

10 THE HEARING EXAMINER: Per hearing?

11 MS. TSCHANTZ: Yes.

12 THE HEARING EXAMINER: And do you know
13 if they would charge that just if they came up for
14 nothing, let's say, and they were sent back? Do you
15 know what the charge would be for coming up and doing
16 nothing and going back?

17 MS. TSCHANTZ: There's a cancellation
18 fee. I can't remember what that is. Maybe 400. I --
19 I'm not sure. I have to look at the contract.

20 THE HEARING EXAMINER: Will you do that
21 and let me know, so I can advise the parties? Thank
22 you.

23 We'll get you an answer. Thank you.

24 MS. VANCE: Thank you.

25 THE HEARING EXAMINER: All right. Now,

1 let's see. Next, we have Avant Operating. Case
2 number is 25347, 25348. And I believe we're hearing
3 these for the first time by affidavit?

4 MS. PENA: Yes. That's correct.
5 Yarithza Pena with Modrall Sperling on behalf of Avant
6 Operating II, LLC.

7 MS. HARDY: And Mr. Examiner, Dana
8 Hardy with Hardy McClean, on behalf of Permian
9 Resources Operating. And we have no objection to
10 these cases proceeding by affidavit.

11 THE HEARING EXAMINER: Thank you.

12 MS. VANCE: Good morning, Mr. Hearing
13 Examiner. Paula Vance with the Santa Fe office of
14 Holland & Hart, on behalf of Matador Production
15 Company. And we don't have any objection. We're just
16 preserving rights.

17 THE HEARING EXAMINER: I'm waiting for
18 one more party.

19 MR. MATNEY: Again, Chad Matney with
20 Civitas. No objection.

21 THE HEARING EXAMINER: I see. Okay.
22 Thank you. Mr., I forgot your last name. I'm just
23 going to say Chad. Who was representing Civitas?

24 MR. MATNEY: Michael Rodriguez was our
25 attorney.

1 THE HEARING EXAMINER: I didn't know.
2 Thank you very much.

3 MR. MATNEY: Yep.

4 THE HEARING EXAMINER: Okay. Ms. Pena.

5 MS. PENA: Yes. I can present these
6 consolidated.

7 THE HEARING EXAMINER: Go right ahead.

8 MS. PENA: Thank you. So we filed our
9 amended exhibit packet pursuant to the pre-hearing
10 order last week on July 8, 2025.

11 THE HEARING EXAMINER: I saw an exhibit
12 packet, but I didn't see it labeled as amended, nor
13 did it have a cover letter. Am I missing something?

14 MS. PENA: I believe we didn't submit a
15 cover letter, because we were at that point still
16 proceeding under the pre-hearing order. So we were
17 going to go to a contested hearing. But we could
18 resubmit with the cover letter and say that it's the
19 amended hearing packet.

20 THE HEARING EXAMINER: Yes. And,
21 please --

22 MS. PENA: Okay.

23 THE HEARING EXAMINER: -- in the future
24 anytime you have to -- because I saw the one from May
25 1st and then I saw the one from July 9th. And I

1 thought, "This has to be amended," but it didn't say
2 amended anywhere on it, nor did it have a cover
3 letter. So I wasn't sure what may have changed over
4 that time period.

5 MS. PENA: Okay.

6 THE HEARING EXAMINER: And it just
7 helps the technical reviewers know what's changed as
8 well.

9 MS. PENA: Yes, absolutely. We can
10 definitely do that.

11 THE HEARING EXAMINER: Thank you.

12 MS. PENA: After this hearing.

13 THE HEARING EXAMINER: So it was
14 Ms. Vance's client that withdrew her objection last?

15 MS. PENA: Yes.

16 THE HEARING EXAMINER: Which is how
17 you're able to go by affidavit now. Okay.

18 MS. PENA: Yes.

19 THE HEARING EXAMINER: By all means, go
20 ahead.

21 MS. PENA: Thank you. In case 25347
22 Avant seeks an order approving a non-standard 560-
23 acre, more or less, Wolfcamp horizontal spacing unit
24 pooling all the interest in the east half of section
25 22, the northeast corridor and north half southeast

1 corridor of section 27, Township 20, south range of 32
2 east in Lea County, New Mexico and the Salt Lake
3 Wolfcamp pool. And in case 25348 Avant seeks an order
4 approving also a non-standard 560-acre, more or less,
5 Bone Spring horizontal spacing unit in the Salt Lake
6 Bone Spring pool.

7 The amended packet that we did file
8 last week on July 8th includes the checklist and
9 exhibits under tab A contain the self-affirmed
10 declaration of Tiffany Sarantinos, the landman for
11 Avant who has previously testified before the division
12 and her credentials have been accepted. Following her
13 affidavit are the standard land exhibits. Exhibits
14 under tab B contain the self-affirmed declaration of
15 John Harper, the geologist for Avant, who has also
16 previously testified before the division. And behind
17 his affidavit are the standard geology exhibits.

18 Exhibit C contains a self-affirmed
19 declaration of Shane Kelly, the vice president of
20 engineering for Avant, who has also previously
21 testified before the division. And exhibits under tab
22 D contain the notice exhibits, including my
23 self-affirmed declaration, sample notice letter for
24 the mailing list showing that we sent notice to all
25 interested parties on April 14, 2025, and a subsequent

1 letter on May 8, 2025. And out of an abundance of
2 caution, the two affidavits of publication from the
3 Hobbs New-Sun showing that we timely published on
4 April 16, 2025, and on May 11, 2025.

5 With that I would ask that the exhibits
6 in cases 25347 and 25348 be admitted into the record
7 and that the cases be taken under advisement. And I
8 believe all of our witnesses are available for
9 questions.

10 THE HEARING EXAMINER: All right.
11 Okay. Without objection, the amended exhibit packet
12 filed on July 9th, even though it's not titled that
13 way, is admitted into evidence.

14 (Cases 25347 and 25348 Exhibits A
15 through D were marked for
16 identification and received into
17 evidence.)

18 Mr. McClure, do you have any questions
19 for any of the witnesses?

20 MR. MCCLURE: So, Mr. Examiner, I am
21 going to have questions for the landman.

22 THE HEARING EXAMINER: Okay. And
23 Ms. Pena, your landman?

24 MS. PENA: Ms. Sarantinos, Tiffany
25 Sarantinos.

1 THE HEARING EXAMINER: Okay. Let's get
2 her on the screen, get her sworn in.

3 WHEREUPON,

4 TIFFANY SARANTINOS,
5 called as a witness and having been first duly sworn
6 to tell the truth, the whole truth, and nothing but
7 the truth, was examined and testified as follows:

8 THE HEARING EXAMINER: Good. You can
9 put your hand down. Would you spell your name for the
10 court reporter please?

11 THE WITNESS: It's Tiffany,
12 T-I-F-F-A-N-Y, Sarantinos, S-A-R-A-N-T-I-N-O-S.

13 THE HEARING EXAMINER: Have you been
14 qualified as an expert by this division?

15 THE WITNESS: Yes, sir.

16 THE HEARING EXAMINER: In what field?

17 THE WITNESS: Petroleum landman.

18 THE HEARING EXAMINER: Perfect. Thank
19 you. Mr. McClure.

20 THE WITNESS: Yep.

21 MR. MCCLURE: Thank you, Mr. Hearing
22 Examiner. Ms. Sarantinos --

23 THE WITNESS: Yes.

24 MR. MCCLURE: I'm looking at the lease
25 track map found on page 33 of 126. This is the

1 Exhibit A3.

2 THE WITNESS: Okay.

3 MR. MCCLURE: It appears that the south
4 half of the southeast quarter of section 27 is not
5 included within the proposed unit. Can you provide me
6 with the status of that particular track?

7 THE WITNESS: Yeah, it -- it is not
8 part of our unit.

9 MR. MCCLURE: I understand that. Can
10 you provide me with the status of what's going on with
11 that track?

12 THE WITNESS: I -- you know, I'm not
13 sure. I think it is -- let me look really fast. I do
14 believe it is part of another pooled unit. And there
15 is DAs out here. And this is already an approved DA,
16 which is the 560 acres that is included in our unit.
17 So we weren't able to pool in any additional acres.

18 MR. MCCLURE: Okay. This -- I didn't
19 understand what you're getting at there. Are you
20 saying that Avant already has the south half of
21 southeast quarter in another proposed unit?

22 THE WITNESS: We do not, but it's
23 the -- it's a BLM, it's part of the potash, so it's
24 the -- the DA is the drill islands, and the
25 development area have already been predefined.

1 MR. MCCLURE: Okay. So this is a part
2 of a drilling area for the potash then? Is that
3 correct?

4 THE WITNESS: It -- that is correct;
5 yes.

6 MR. MCCLURE: And it includes the south
7 half of the southeast quarter of section 27 and
8 nothing else in the east half of section 27?

9 THE WITNESS: That's -- that's correct.
10 The southeast or the south half of the southeast is
11 not included in our unit or the DA island or
12 development area.

13 MR. MCCLURE: I'm sorry. Say that one
14 more time. I don't know if you misspoke. You say
15 that the south half of the southeast corridor is
16 included in the --

17 THE WITNESS: It is -- it is not.

18 MR. MCCLURE: -- developmental area
19 for --

20 THE WITNESS: It is not included.

21 MR. MCLURE: Okay. So then the rest of
22 your unit, is that part of a drilling area in the
23 potash for the BLM?

24 THE WITNESS: Yes.

25 MR. MCCLURE: Okay. But that drilling

1 area then does not include the south half of the
2 southeast corridor of section 27. And that's the
3 reason that Avant is not proposing to include it in
4 this unit?

5 THE WITNESS: Correct.

6 MR. MCCLURE: And are you aware of
7 which operator has the rights to drill, in that south
8 half of the southeast corridor of section 27?

9 THE WITNESS: Not off the top of my
10 head to be honest, but it's not us.

11 MR. MCCLURE: Let me scroll down to
12 your geology exhibit. Look real fast. Okay.
13 Ms. Salantinos, if I can draw your attention to your
14 summary of contacts, page 78 of 126, Exhibit A6.

15 THE WITNESS: Okay. Let me get there
16 real fast.

17 MR. MCCLURE: Specifically, I'm looking
18 at the first case, 25347. My speculation is you may
19 have forgot to include the slide here, because in the
20 other academic packet you have an additional slide.
21 My question to you is, do you have included here the
22 details, in regards to your contacts other than
23 Matador?

24 THE WITNESS: It looks like, yeah, it
25 should have the summary of contacts included in both

1 25348 and 25347.

2 MR. MCCLURE: Okay. So in the exhibit
3 packet that's for 25348, are you familiar with that
4 extra slide that I'm referring to that's not included
5 in the exhibit packet for 25347?

6 THE WITNESS: I am.

7 MR. MCCLURE: Okay. And does it also
8 apply to case 25347?

9 THE WITNESS: It does, yep.

10 MR. MCCLURE: Okay. So if I were to
11 ask you to resubmit this exhibit packet and include
12 that additional slide for case 25347, do you
13 understand what I'm asking for?

14 THE WITNESS: Yes. It would be --
15 yep -- yep. We can certainly do that.

16 MR. MCCLURE: Okay. In the application
17 for both of these cases, it appears that Avant is
18 asking for approval of a non-standard operation unit.
19 Is that correct?

20 THE WITNESS: That is correct.

21 MR. MCCLURE: Okay. I guess why does
22 Avant believe that the proposed HSU is non-standard?

23 THE WITNESS: For -- for this unit in
24 particular?

25 MR. MCCLURE: Yes, ma'am.

1 THE WITNESS: I think in this one in
2 particular, the surface base is very, very limited
3 with the drill islands out here. So we wanted to be
4 able to minimize the surface use and use a single
5 battery site out here for both -- for both of the
6 units here, the Wolfcamp and the Bone Spring. So --

7 MR. MCCLURE: Now, let me rephrase my
8 question. With consideration to both of these
9 proposed units having two wells drill down the center
10 line of the east half, why does Avant believe that
11 this proposed unit is non-standard?

12 THE WITNESS: Well, we do have
13 more -- more wells than just two wells.

14 MR. MCCLURE: To provide a little bit
15 more context.

16 THE WITNESS: Yeah.

17 MR. MCLURE: I'm trying to figure out
18 if I'm missing something, because from the review it
19 appears to be a standard spacing unit. And I'm -- I'm
20 wondering why Avant believes that it's non-standard,
21 and why they're requesting that approval?

22 THE WITNESS: I don't know. Maybe I
23 could have you drop in here and help.

24 MR. MCCLURE: Who's -- I'm -- I'm
25 sorry, who was that? Is that your guy's geologist?

1 THE WITNESS: If you could help out
2 here.

3 MR. MCCLURE: Is that your guys'
4 geologist?

5 THE WITNESS: Oh, Counsel, I just want
6 to make sure I'm understanding the question. Yeah.

7 MS. PENA: And, Mr. McClure --

8 THE HEARING EXAMINER: Hold on. Let's
9 stop for Ms. Pena.

10 MS. PENA: Yes. I believe Mr. McClure,
11 maybe this question would be better suited for our
12 reservoir engineer, Shane Kelly, who's also on the
13 line who could explain a little bit more about why
14 Avant is seeking a non-standard spacing unit.

15 THE HEARING EXAMINER: Okay. So when
16 Mr. McClure's finished with his questions for
17 Ms. Sarantinos, we'll swear in the reservoir engineer
18 to deal with that. Okay?

19 MR. MCCLURE: Mr. Hearing Examiner,
20 I -- I am finished with my questioning of
21 Ms. Sarantinos now.

22 THE HEARING EXAMINER: Very good.
23 Ms. Sarantinos -- well, Ms. Pena, are there any
24 follow-up questions to Ms. Sarantinos?

25 MS. PENA: I do have a follow-up

1 question that can maybe help explain to Mr. McClure
2 about notice to the offset operators for the
3 non-standard spacing unit.

4 DIRECT EXAMINATION

5 BY MS. PENA:

6 Q Ms. Sarantinos, do you remember your exhibit
7 A3, the notice to the offset operators? It's on page
8 35 of 126.

9 A I do, yes.

10 Q And Mr. McClure was asking you about the
11 south half of the southeast quarter.

12 A Yes.

13 Q And he asked you about what operator is in
14 charge of that section of the unit?

15 A Yes.

16 Q Is this exhibit helpful to answer that
17 question?

18 A Yes.

19 Q Thank you.

20 MR. MCCLURE: And, Ms. Pena, can you
21 direct us to a page number in the exhibit? I don't
22 remember where that is.

23 MS. PENA: It is page 35 of 126 and it
24 looks like it is XTO.

25 //

1 BY MS. PENA:

2 Q Thank you, Terry.

3 A No problem.

4 MS. PENA: And, Mr. McClure, we can
5 submit an amended exhibit packet after this,
6 submitting that additional site that we left off.

7 THE HEARING EXAMINER: Yeah. Ms. Pena,
8 I think there's going to be a few things to amend in
9 the second revised exhibit packet, which will require
10 additional review from Mr. McClure. So we'll have to
11 figure out if we can get this on the August 7th
12 docket. But let's get your reservoir engineer on the
13 screen.

14 MS. PENA: Mr. Shane Kelly.

15 THE HEARING EXAMINER: Mr. Kelly, would
16 you raise your right hand for me?

17 WHEREUPON,

18 SHANE KELLY,
19 called as a witness and having been first duly sworn
20 to tell the truth, the whole truth, and nothing but
21 the truth, was examined and testified as follows:

22 THE HEARING EXAMINER: Great. You can
23 put your hand down, sir. Would you spell your name
24 please?

25 THE WITNESS: Shane. S-H-A-N-E.

1 Kelly, K-E-L-L-Y.

2 THE HEARING EXAMINER: And I know that
3 you have been qualified as an expert, because I've
4 seen you before. So, Mr. McClure.

5 MR. MCCLURE: Thank you, Mr. Hearing
6 Examiner.

7 Mr. Kelly, did you hear my questioning
8 of Ms. Sarantinos?

9 THE WITNESS: Yeah. You were asking
10 why this unit is non-standard. Is that correct?

11 MR. MCCLURE: Yeah. Let me rephrase my
12 question. Why does Avant believe that the proposed
13 unit is non-standard?

14 THE WITNESS: Yeah. So we have --
15 we're planning CTB here again due to the -- the
16 surface restraints in the area being potash.
17 Obviously, there's some -- some limited surface, so we
18 want to do one CTP. Also, the 302, 502, and 602 are
19 on that quarter borderline. And so, that would
20 ultimately make that unit non-standard, which allows
21 us to produce on that quarter -- quarter line. We
22 feel like that's the best way to preserve all
23 the -- the rights in the acreage to produce the most
24 efficiently out of this -- out of this piece.

25 MR. MCCLURE: Okay. Thank you,

1 Mr. Kelly. And just to forewarn you, if the division
2 rejects or denies Avant's approval for the NSP, you do
3 not need an NSP to propose at -- to produce this unit
4 as you have these wells proposed here.

5 THE WITNESS: Okay.

6 MR. MCCLURE: Do you understand what
7 that is referring to?

8 THE WITNESS: I believe so. I don't
9 believe we've had that in the past every time it has
10 been approved. So I think that would be the first
11 time for us. Especially when going into one CTB to,
12 you know, protect everybody's rights.

13 MR. MCCLURE: Well, Mr. Kelly, if
14 the -- if the proposed unit is standard then it's not
15 necessary for the division to grant approval for
16 non-standard HSU, which as proposed here --

17 THE WITNESS: Okay.

18 MR. MCLURE: -- it's a standard HSU.

19 THE WITNESS: Okay.

20 MR. MCCLURE: Mr. Hearing Examiner, I
21 don't have any more questions. But I do have some
22 guidance that I would like to provide to Ms. Pena.

23 THE HEARING EXAMINER: Okay. Does the
24 guidance include the exhibits that you want amended or
25 the additional evidence you need?

1 MR. MCCLURE: Yes.

2 THE HEARING EXAMINER: Okay.

3 MR. MCCLURE: That is correct,
4 Mr. Hearing Examiner.

5 THE HEARING EXAMINER: Go right ahead,
6 Mr. McClure.

7 MR. MCCLURE: Okay. Ms. Pena.

8 MS. PENA: Yes.

9 MR. MCCLURE: As you already heard the
10 slide for summary of contact specifically for case
11 25347, do you understand what I'm referring to if I
12 ask for you to amend that exhibit --

13 MS. PENA: I do.

14 MR. MCCLURE: -- for the missing slide?

15 MS. PENA: Yes, I do.

16 MR. MCLURE: Okay. In addition to
17 that, on the CPAC for each of the cases, if I could
18 draw your attention to page 3 of 126, in case 25347.

19 MS. PENA: Okay.

20 MR. MCCLURE: Where it references down
21 there that there are no proxy tracks or you say
22 "N/A,", there, in fact, is proxy tracks in this
23 particular instance. Do you understand where I'm
24 looking at where my conversation had been with
25 Mr. Akinos [ph] and Mr. Kelly?

1 MS. PENA: Yes. I think I do follow.

2 MR. MCCLURE: Okay. Are you in
3 agreement that the standard -- that the proposed unit
4 is, in fact, standard?

5 MS. PENA: I believe -- I mean
6 basically the way we drafted our application and the
7 reasonings that Mr. Kelly explained why Avant would
8 request an NCU, if the division isn't -- I guess I'm
9 just not following. If the division would like us to
10 amend the checklist to include proximity trunk wells
11 instead of requesting an NCU is that --

12 MR. MCCLURE: Well, in order to make
13 your CPAC accurate, that would be the way to do it.

14 MS. PENA: Okay.

15 MR. MCLURE: Having said that, the
16 division will end up having to reject the -- because
17 in the application we'll be rejecting the NSP anyway,
18 regardless of why we change the CPAC. But to make the
19 CPAC more accurate, we would ideally say that the set
20 of the HSU is, in fact, standard and include the --
21 the proxy track and then the defined wells. I believe
22 each case actually has two different wells that can be
23 used as defining wells.

24 MS. PENA: Okay. I understand.

25 MR. MCCLURE: Okay. And Ms. Pena, that

1 was -- that's everything I have.

2 Mr. Hearing Examiner, yeah, that's
3 everything I have, with these two cases.

4 THE HEARING EXAMINER: Okay. Thank
5 you, Mr. McClure.

6 So, Ms. Pena, August 7.

7 Freya, how big is the August 7 docket?

8 MS. TSCHANTZ: Let me check. One
9 moment.

10 THE HEARING EXAMINER: We have a
11 special docket on the 29th of July, Ms. Pena, but
12 that's already too big to put this case on there.

13 Mr. McClure, you're requesting revised
14 exhibits for both cases or just 47?

15 MR. MCCLURE: Mr. Hearing Examiner,
16 I -- I would like to request it for both cases.

17 THE HEARING EXAMINER: Okay. I just
18 wanted to make sure. Thank you.

19 MS. TSCHANTZ: There's 63 cases on the
20 August 7th docket right now.

21 THE HEARING EXAMINER: All right.
22 Let's put these two cases toward the beginning of that
23 docket, which means we may have to bump some other
24 cases of yours, Ms. Pena. I don't know if you have
25 anything else on that docket, but we have a limit of

1 60 that we can take on a hearing by affidavit docket.

2 Okay. So, Ms. Pena, let's see. To
3 give the technical reviewer time to review, should we
4 say a week from today. Does that give you enough
5 time?

6 MS. PENA: Yes. That's fine. Thank
7 you.

8 THE HEARING EXAMINER: All right.
9 You're welcome. So that's the 22nd, I believe, of
10 July, close of business. And please, put a cover
11 letter to explain the changes. Okay. Is there
12 anything else, Ms. Pena?

13 MS. PENA: Nothing further. Thank you.

14 THE HEARING EXAMINER: We're off the
15 record in these two cases. Thank you. The Lea
16 Midstream, we're going to hear last. Let's go to
17 Matador Production. These were contested until
18 yesterday at almost 5:00 p.m. These are case numbers
19 25388, 25390, 91, and 93. Enter your appearance,
20 please.

21 MS. VANCE: Good morning, Mr. Hearing
22 Examiner. Paula Vance with the Santa Fe office of
23 Holland & Hart, on behalf of the applicant. MRC
24 Permian Company, Matador Production Company.

25 MS. HARDY: And good morning,

1 Mr. Examiner. Dana Hardy with Hardy McClean, on
2 behalf of BTA Oil Producers, LLC.

3 THE HEARING EXAMINER: And you withdrew
4 your objection?

5 MS. VANCE: BTA had not objected. We
6 are monitoring.

7 THE HEARING EXAMINER: Thank you.

8 MR. MORGAN: Yes. Good morning,
9 Mr. Examiner. Scott Morgan with Cavin & Morgan on
10 behalf of Wyotex, et al. And yes, well, I think we
11 did come to an agreement to withdraw our objection
12 yesterday, with Ms. Vance and Matador. So we did file
13 that, those withdrawals.

14 THE HEARING EXAMINER: Okay. And you
15 say you filed them. How did you file them?

16 MS. VANCE: My clients do not have
17 overwritten numbers and so we have typically in the
18 past emailed them over to the NMOCD. But we are happy
19 to make changes to that process as requested.

20 THE HEARING EXAMINER: Okay. And let's
21 see. Yesterday, Ms. Tschantz was out. Did you send
22 those to Ms. Corral?

23 MR. MORGAN: We sent them to
24 Ms. Tschantz, but I believe that actually, and I
25 appreciate Ms. Vance doing this, forwarding them on

1 otherwise, to ensure that the correct parties have
2 them.

3 THE HEARING EXAMINER: Okay. Thank
4 you. Okay. So you have no objections to anything
5 going forward. Is that correct?

6 MR. MORGAN: We do not. We know that
7 this is set for the August 7th hearing to move forward
8 by affidavit. We would still request that that remain
9 on the August 7th docket simply to give us just that
10 additional amount of time. The OCD has done a
11 phenomenal job of moving things a lot more quickly
12 then maybe we have seen in the past and getting those
13 orders out. And while we would have to withdraw our
14 objection, we still do need a little bit of time to
15 finalize agreements.

16 THE HEARING EXAMINER: All right.
17 Let's finish with the entries of appearance and then
18 we can talk about this. Who else do we have? Anyone
19 that you know of, Ms. Vance?

20 MS. VANCE: No.

21 THE HEARING EXAMINER: Just two parties
22 basically?

23 MS. VANCE: Just two parties; correct.

24 THE HEARING EXAMINER: Okay. So your
25 argument is proceeding today, instead of waiting till

1 August 7th?

2 MS. VANCE: So we filed these
3 applications at the beginning of May, and I
4 understand. Mr. Morgan and I we talked about this.
5 We would very much like to move forward today. To
6 your point, we've got a lot of cases already on the
7 August docket. There's no reason to delay these.
8 Again, they were filed in May, and we would like to
9 move forward. We have our witnesses available and
10 we're ready to go. So we would ask to move forward
11 today.

12 THE HEARING EXAMINER: Mr. Morgan, do
13 you have a good reason why we should delay this until
14 August 7th?

15 MR. MORGAN: Just briefly. Part of my
16 client's willingness to withdraw the objection was in
17 the hopes that we would have that additional amount,
18 three weeks to file license agreements before they are
19 actually heard.

20 THE HEARING EXAMINER: Well,
21 Mr. Morgan, I give you the opportunity to reinstate
22 your objection, or else we're going to go forward
23 today.

24 MR. MORGAN: If we were to reinstate
25 our objection, we would move forward today with an

1 uncontested, or statement with a contested hearing.
2 Is that correct?

3 THE HEARING EXAMINER: Correct.

4 MR. MORGAN: Okay. Yeah, in that case,
5 since my witnesses are not available today, because
6 they were assuming that the August 7th hearing date
7 would stay in place on the uncontested hearing, and we
8 won't be able to reinstate our objections today.

9 THE HEARING EXAMINER: I'm confused.
10 Would you --

11 MR. MORGAN: Yeah. I apologize. My
12 witnesses are not available today to move forward with
13 a contested hearing today, that based on the
14 assumption that these would still be heard uncontested
15 on August 7th. And so, yeah, we wouldn't be able to
16 move forward with an uncontested hearing, excuse me,
17 with the contested hearing today. And so, for that
18 specific brief, I would not be able to reinstate my
19 objections today and move forward.

20 THE HEARING EXAMINER: When you say you
21 "would not be able to reinstate your objection,"
22 you've withdrawn your objection. So at this point,
23 there is no objection for them to go forward with the
24 hearing by affidavit.

25 MR. MORGAN: Correct.

1 THE HEARING EXAMINER: Right. So then,
2 what you're saying is you are not reinstating your
3 objection so that we can have the contested hearing at
4 a future date. You are fine with them going forward
5 by affidavit today?

6 MR. MORGAN: If we refile our objection
7 and the hearing, the contested hearing were to be held
8 on a future date, then yes, we would reinstate our
9 objection.

10 THE HEARING EXAMINER: Ms. Vance.

11 MS. VANCE: Again, we filed these in
12 May. The August docket is already full, and you
13 know --

14 THE HEARING EXAMINER: Ms. Vance, I
15 heard this argument before. What I need is something
16 based in the rules. If there's something in the rule
17 that says that they can't reinstate their objection,
18 I'd like to know what it is.

19 MS. VANCE: I don't know anything. I
20 would have to look to see. But there's nothing that I
21 can think of or have read that says -- that would
22 prevent them from reinstating their objection.

23 THE HEARING EXAMINER: Right.

24 MS. VANCE: But if they are going to
25 object, there shouldn't be a delay in these

1 proceedings.

2 THE HEARING EXAMINER: Agreed. So,
3 Mr. Morgan, so what if we do this. Why don't we give
4 the parties five or ten minutes for you to discuss
5 this? You and Ms. Vance I think should discuss this,
6 if you think you can resolve any differences and
7 maintain your non-objection. Because right now we
8 have no objection from you. You have withdrawn it,
9 officially. I gave you the option to reinstate your
10 objection or to file a new objection based on what you
11 just told me about. You know, you thought that this
12 was going to be August 7th, and you wanted to finalize
13 negotiations, etcetera, etcetera. So we either can go
14 forward today, without an objection, and then we're
15 done. Or you can tell me you object now, and we can
16 set this, because it won't be on the August 7th
17 docket. We'll have to find a new special docket for
18 these cases. So do you want some time to talk to
19 Ms. Vance, or do you know how you want to proceed?

20 MR. MORGAN: I think if we could have
21 five minutes, I think I maybe have a solution I can
22 discuss with --

23 THE HEARING EXAMINER: Excellent. I
24 thought so. Okay. So let's say it's 9:40. We'll
25 come back on the record at 9:45. Thank you.

1 (Off the record.)

2 THE HEARING EXAMINER: All right.

3 We're back on the record. It is 9:46 a.m. I am
4 reviewing the pre-hearing order that was issued in
5 this case a while ago. And it does say in paragraph
6 2, "If objections to a hearing by affidavit are
7 subsequently withdrawn, the cases will proceed by
8 affidavit on August 7th, 2025."

9 So I understand, Mr. Morgan, why you
10 thought the pre-hearing order would control the
11 hearing by affidavit date. Did you resolve this issue
12 with Ms. Vance?

13 MR. MORGAN: I think that we have.
14 Ms. Vance, I just sent you a follow-up email.

15 MS. VANCE: Yeah. I just saw that.

16 THE HEARING EXAMINER: Ms. Vance.

17 MS. VANCE: Yes. We have an agreement,
18 but I think we'll need to just make sure that the
19 order is specific for his clients on some verbiage
20 that would allow them 60 days to elect under the
21 pooling order, and then 30 days after election to pay.
22 So that would be something, if we can provide a
23 revised hearing packet to include that language
24 specific for his clients. And we can request that the
25 division include that in the order. So --

1 THE HEARING EXAMINER: Well, when you
2 say "Request the division to include that in the
3 order" --

4 Mr. McClure, does the division
5 normally do that?

6 MR. MCCLURE: In some instances where a
7 party has struck a deal. And yes, we have done that
8 in the past.

9 THE HEARING EXAMINER: Thank you,
10 Mr. McClure.

11 So, Ms. Vance, if we hear the case
12 today, the four cases today, it sounds like we're
13 going to have to come back on the record at a future
14 date, to review whatever exhibit that you have to
15 file.

16 MS. VANCE: I can be here on 7/29 if
17 that is helpful.

18 THE HEARING EXAMINER: That 7/29 is
19 already full. We can hear these cases today and then
20 take them first on the August 7th docket.

21 MS. VANCE: I will take that, if that's
22 the best we can do.

23 THE HEARING EXAMINER: Well, otherwise
24 we can just hear them on August 7th, the way the
25 pre-hearing order has instructed.

1 MS. VANCE: I get the feeling I'm going
2 to be presenting a lot of cases that day. So if I can
3 knock out some today, I think that would be my
4 preference.

5 THE HEARING EXAMINER: All right. Why
6 don't you go ahead, then.

7 So, Mr. Morgan, you do not object to
8 Ms. Vance proceeding by affidavit today. Is that
9 correct?

10 MR. MORGAN: No objection at all.
11 Thank you.

12 THE HEARING EXAMINER: Very good. Thank
13 you, sir. Ms. Vance.

14 MS. VANCE: Yes. Thank you. So in
15 these four cases, Matador is seeking to pool the
16 uncommitted interest in acreage that is all in
17 township 15, south range, 36 East, and that's in Lea
18 County. The pool that we are dealing with here, it's
19 a part of the Pennsylvanian formation, and that pool
20 is the Dean; Permo Upper Penn. And the pool code is
21 16720. Okay. Sorry. I got a quick email from my
22 client and just wanted to take a look at that.

23 So in case number 25388, this involves
24 a 480-acre, more or less, horizontal well spacing unit
25 in the Pennsylvanian formation. And that's going to

1 be underlying the west half, west half of sections 11,
2 14, and 23. And Matador seeks to initially dedicate
3 this spacing unit to the Ed Drake Fed Com #241H well.
4 Then in case number 25390 Matador is pooling the
5 uncommitted interest in a 480-acre, more or less,
6 horizontal well spacing unit, again in the
7 Pennsylvanian formation underlying the east half, the
8 west half of sections 11, 14 and 23. And initially
9 dedicating that to the Ed Drake Fed Com #242H well.

10 Case number 25390, again a 480-acre,
11 more or less, horizontal well spacing unit in the
12 Pennsylvanian formation. And that is underlying the
13 west half of the east half of sections 11, 14 and 23.
14 And initially dedicating that to the Ed Drake Fed Com
15 #243H well. And then, lastly in case number 25393,
16 Matador is seeking to pool the uncommitted interest in
17 a 480-acre, more or less, horizontal wealth spacing
18 unit in the Pennsylvanian formation underlying the
19 east half of the east half of sections 11, 14 and 23.
20 And initially dedicate that to the Ed Drake Fed Com
21 #244H well.

22 In each of the hearing packets we have
23 included the compulsory pooling checklist. I did file
24 revised hearing packets to make sure that we had the
25 correct interval just like the Steve Ruschell cases on

1 the CPACs.

2 We also included a copy of the
3 application and then the self-affirmed statements of
4 our landman, Addison Costley, who has previously
5 testified. And his credentials have been accepted as
6 a matter of record, as well as Mr. Joshua Burrus who
7 is the geologist and has previously testified as well.
8 In each, for both the land and geology, we have
9 included all the standard sub-exhibits. And then
10 following that is a self-affirmed statement from
11 myself with a sample copy of the letter notice that
12 went out that was timely on May 16, 2025. And then
13 last is my affidavit of notice of publication that was
14 timely published on May 18, 2025. And unless there
15 are any questions, I would ask that the exhibits and
16 sub-exhibits be admitted into the record and that
17 these cases be taken under advisement at this time.
18 Yeah. That's all I have.

19 THE HEARING EXAMINER: Okay. Without
20 objection. Thank you.

21 (Case Nos. 25388, 25390, 25391 and
22 25393 Exhibits A through F were marked
23 for identification and received into
24 evidence.

25 Mr. McClure, any questions?

1 MR. MCCLURE: Mr. Hearing Examiner, I
2 will have questions for the landman.

3 THE HEARING EXAMINER: Okay.
4 Ms. Vance, would you call your landman?

5 MS. VANCE: Yes. I know he is on here.
6 He's got his camera up and he is ready to answer.

7 THE HEARING EXAMINER: And I recognize
8 Mr. Costley. Please raise your right hand.

9 WHEREUPON,

10 ADDISON COSTLEY,
11 called as a witness and having been first duly sworn
12 to tell the truth, the whole truth, and nothing but
13 the truth, was examined and testified as follows:

14 THE HEARING EXAMINER: All right.
15 Thank you, sir. You can put your hand down. Would
16 you spell your name?

17 THE WITNESS: Yes. Addison Costley.
18 A-D-D-I-S-O-N, Costley, C-O-S-T-L-E-Y.

19 THE HEARING EXAMINER: Thank you, sir.
20 And you have previously been recognized as an expert
21 in what field, before this division?

22 THE WITNESS: Petroleum lube
23 management.

24 THE HEARING EXAMINER: All right.
25 Thank you. Mr. McClure.

1 MR. MCCLURE: Thank you, Mr. Hearing
2 Examiner.

3 Mr. Costley --

4 THE WITNESS: Yes, sir.

5 MR. MCCLURE: What is the vertical
6 extent that Matador is requesting the division of
7 force pool in these four cases?

8 THE WITNESS: Little -- little confused
9 on the -- on the question. Do you mean, I guess,
10 the -- the vertical depth or the -- the depth in which
11 we seek to force in the Penn shale formation. Guess
12 I'm a little --

13 MR. MCCLURE: Let me rephrase my
14 question. I'm not asking for specific vertical
15 depths. What formation or subset of a formation is
16 Matador asking the division to force pool in these
17 cases?

18 THE WITNESS: Oh, okay. Yeah. We are
19 seeking to force pool the Cisco and the Canyon
20 formation. I guess, sub formations within the --
21 Pennsylvanian.

22 MR. MCCLURE: Okay. Thank you,
23 Mr. Costley.

24 Mr. Hearing Examiner, I have no more
25 questions for any of these four cases. But I do have

1 some requests for Ms. Vance.

2 THE HEARING EXAMINER: Go right ahead.

3 MR. MCCLURE: Thank you, Mr. Hearing
4 Examiner.

5 Ms. Vance, based upon what the landman
6 had just testified to, on the CPAC, do you know what
7 I'm referring to when I say "the vertical limit" for
8 each of these?

9 MS. VANCE: Yes. And we did -- yes, I
10 do.

11 MR. MCCLURE: Okay. And are you
12 thinking that you might have submitted some at some
13 point that had that vertical limit in there?

14 MS. VANCE: Yes. I thought that the
15 revised hearing packets that we filed -- and now that
16 I'm looking at them for some reason, I did update
17 these. And it does not look like it has the vertical
18 extent in there and I have no idea why. Because I
19 added what we did to the Steve Ruschell. I'll have to
20 follow up. Yes. I can update that. I'm not sure why
21 that is not in there. I did revise those and for some
22 reason what got filed is not the revised version. So
23 that's an easy fix. I can take care of that as soon
24 as I'm back at the office.

25 MR. MCCLURE: Yeah. Do you think

1 that's the only change that didn't make it in here
2 then? Does that sound correct to you?

3 MS. VANCE: Yes. That -- because the
4 other change that we discussed, that we also included
5 across all four of these cases was on the Exhibit D3
6 we did, that also highlights or it shows the top of
7 the strawn, which you requested in the other case. So
8 I'm more than happy to do that. It will not take me
9 that long.

10 I do have other things to add unless
11 the technical examiner has additional questions.

12 MR. MCCLURE: I do, Ms. Vance. So you
13 do understand what I'm asking for then in regards to
14 the vertical extent. Is that correct?

15 MS. VANCE: I do.

16 MR. MCCLURE: Okay. In addition to
17 that, you are familiar with the practice, the disposal
18 provision/stipulations in the CPAC?

19 MS. VANCE: I do.

20 MR. MCCLURE: And where that is
21 located?

22 MS. VANCE: I do, but I actually was
23 going to get to that, because I had some further
24 follow-up email with Mr. Morgan. And we have actually
25 agreed to just have a letter agreement between the

1 parties. So that would not require any action on the
2 division's part to change anything. So I think the
3 only thing that I would need to do, unless there's
4 something additional, would just be to update the
5 CPACs with the vertical extent.

6 MR. MCCLURE: Okay.

7 Mr. Hearing Examiner, I have nothing
8 further for any of these four cases, with the
9 understanding that we're going to update the CPAC and
10 the vertical limit each.

11 THE HEARING EXAMINER: Okay. Thank
12 you. All right.

13 So, Ms. Vance, would you continue these
14 cases to the August 7th docket?

15 And, Ms. Tschanz, will you put them
16 first on our docket?

17 MS. TSCHANZ: Yes.

18 MS. VANCE: Mr. Hearing Examiner, if I
19 could, while my colleague, Mr. Feldewert were
20 presenting his case, if I were able to make that
21 change and refile while I'm sitting here, could we
22 just go at the end of the docket. That way it
23 wouldn't waste any additional time of the division.

24 THE HEARING EXAMINER: Mr. McClure.

25 MR. MCCLURE: Well, Mr. Hearing

1 Examiner, if that works for you, then I should be able
2 to review it while the division's hearing the AGI
3 case, if that's what Ms. Vance is asking.

4 THE HEARING EXAMINER: All right.
5 Okay. Thank you, Mr. McClure.

6 That's what we'll do. So you go ahead,
7 and we'll hear our last case now. This is Lea
8 Midstream.

9 MS. VANCE: Thank you.

10 THE HEARING EXAMINER: Yes. Case
11 number 25413. Enter your appearance, please?

12 MR. FELDEWERT: Mr. Examiner, Michael
13 Feldewert with the office of Holland & Hart, on behalf
14 of the applicant. Give me a few minutes. I'll get
15 plugged in. Thank you.

16 THE HEARING EXAMINER: Do we have any
17 other parties?

18 MR. BIERNOFF: Good morning. Ari
19 Biernoff from the New Mexico State Land Office, on
20 behalf of the Commissioner of Public Lands and the
21 State Land Office.

22 THE HEARING EXAMINER: Mr. Biernoff, I
23 don't see you on the screen.

24 MR. BIERNOFF: I'm here in the meeting
25 room. Am I supposed to be situated somewhere else?

1 THE HEARING EXAMINER: At the table,
2 would be great.

3 MR. BIERNOFF: Okay. You got it.

4 THE HEARING EXAMINER: There is a
5 button on the microphone on the right. When you press
6 it, it'll light up green. And would you enter your
7 appearance again using the microphone?

8 MR. BIERNOFF: Of course. Ari Biernoff
9 from the New Mexico State Land Office. I'm here on
10 behalf of the Commissioner of Public Lands and the
11 State Land Office.

12 THE HEARING EXAMINER: Okay. I think I
13 saw your entry of appearance. And did you file a
14 pre-hearing statement?

15 MR. BIERNOFF: We did.

16 THE HEARING EXAMINER: When?

17 MR. BIERNOFF: On Thursday.

18 THE HEARING EXAMINER: Thursday. Do
19 you have any witnesses?

20 MR. BIERNOFF: At this point,
21 Mr. Examiner, our main intention is to make clear to
22 you, to the tribunal, that we have serious
23 reservations about this application. We learned about
24 this application around three weeks ago. June 20th is
25 the date of the notice. The land officer received it

1 on the 23rd, and for several weeks has been trying to
2 get information and get an agreement with the
3 applicant, and so far, that's been unsuccessful. So
4 the focus of our efforts has been there. I did list
5 two witnesses in the statement.

6 Our preference though, would be that
7 this matter be continued, because we don't think that
8 there's been adequate notice to us, as an effective
9 landowner to develop our case. We would also like to
10 pursue the possibility of a negotiated resolution with
11 the applicant, but we're just not there yet.

12 THE HEARING EXAMINER: All right.
13 Thank you. Are there any other parties that you know
14 of, Mr. Feldewert?

15 MR. FELDEWERT: No, sir.

16 THE HEARING EXAMINER: All right.
17 Please proceed.

18 MR. FELDEWERT: Mr. Examiner, the
19 applicant seeks authorization to inject acid gas from
20 its Lea Midstream treatment facility for disposal into
21 its proposed White Russian AGI #1 well, which we can
22 take a look at what we filed, if I may bring it up on
23 the screen. Give me one second.

24 I believe I should be sharing now up on
25 the screen. Great. Okay, so this is the location of

1 the White Russian AGI #1, and section 17, township 19
2 south, 35 east down there in Lea County. You'll see
3 it as a surface location, and that's a deviated well
4 to get to a bottom hole location on section 17. Lea
5 Midstream currently owns the surface where the surface
6 hole is located, and they are acquiring the acreage
7 where the bottom hole location will be located. The
8 proposed injection zone is the Siluro-Devonian
9 formation, which is comprised of the Devonian risk,
10 and the Fusselman formations pretty deep here at about
11 14,000 to 16,000 feet.

12 They seek approval to inject 12 million
13 standard cubic feet of treated acid gas per day with
14 an allowable operating pressure of about 4593 PSIG.
15 And nice thing is, at full capacity this well will be
16 able to permanently sequester approximately 487 tons
17 of carbon dioxide and approximately 162 tons of
18 hydrogen sulfide daily. Now, we have submitted in our
19 packet evidence noting the critical and immediate need
20 for this acid gas disposal in this part of Lea County.
21 If you take a look at what we marked as exhibit B2, it
22 contains a list of affected wells on state, federal
23 and fee lands.

24 There's over a hundred wells that have
25 been drilled that are awaiting completion due to the

1 lack of reliable and gas takeaway and disposing
2 capacity. So we're trying to help the State Land
3 Office here by getting production occurring on their
4 lands. So due to the immediate need for this, we
5 respectfully request that you consider expediting this
6 application we have in our hearing packet.

7 THE HEARING EXAMINER: Mr. Feldewert.

8 MR. FELDEWERT: Yes.

9 THE HEARING EXAMINER: Before you
10 continue with your hearing packet, would you respond
11 to the argument Mr. Biernoff?

12 MR. FELDEWERT: Certainly. They
13 received notice just like every other landowner did
14 out here; the State Land Office did.

15 THE HEARING EXAMINER: And this was
16 sent when?

17 MR. FELDEWERT: This was sent by a
18 letter dated June 20th. In addition to that, if I
19 need to submit the email, I would be surprised if I
20 do. The C108 application was previously sent or also
21 sent to Ms. Allison Marks in late June, so that they
22 could actually have discussions on the White Russian,
23 which Ms. Allison characterized as good discussions.
24 So it's not like we have not been in touch with the
25 State Land Office. So I don't see any reason to

1 postpone this hearing here today. Now, you mentioned
2 their entry of appearance filed on Thursday, which was
3 after we filed our pre-hearing statement in a timely
4 manner on Tuesday, July the 8th. So they're a little
5 bit tardy in coming into this. But we, I can tell you
6 that, and the client, is committed to continue to work
7 with the State Land Office to address their issues.

8 So with that said, we want to move
9 today. There's no reason why we should not move
10 forward today. And we need to get this well permitted
11 so that these over 100 wells and affected operators on
12 state federal owned fee lands can get their drilled
13 wells producing and the resulting benefit not only to
14 the state of New Mexico, but to the producers.

15 THE HEARING EXAMINER: And June 20 is
16 timely?

17 MR. FELDEWERT: Yes, sir.

18 THE HEARING EXAMINER: Under what rule?

19 MR. FELDEWERT: Under your normal
20 hearing rules, 20 days in advance of the hearing.

21 THE HEARING EXAMINER: Mr. Biernoff,
22 are you suggesting that the mailed notice was not
23 timely?

24 MR. BIERNOFF: I'm suggesting that the
25 notice does not provide an actual opportunity for the

1 land office to have a meaningful discussion with the
2 applicant or to put on a technical case in three
3 weeks. Acid gas injection applications usually go
4 before OCC. Usually there's months of lead time.
5 There's extensive analysis both by the division, you
6 know, and by affected parties, the land office, for
7 others. I think it's very anomalous that this
8 application is before OCD and not the commission. I
9 don't know why that is. There may be a good reason
10 for it. But I don't think we've ever seen in our
11 time, my group's time at the land office, an AGI
12 application getting fast tracked the way that
13 Mr. Feldewert is asking for this application to be
14 processed.

15 I think there's plenty of opportunity
16 in the ordinary course of the typical AGI application,
17 you know, for the parties to explore whether there's a
18 possibility of resolving their concerns and if there's
19 not, of hiring an expert. I mean, the notion that we
20 would be able to obtain a technical expert basically
21 in 20 days, I think that's just not the reality of
22 responding in any kind of detail to a case like this.
23 The point that this is actually to our benefit, I
24 think, you know, is patronizing first of all. But I
25 think also may end up being the case with appropriate

1 safeguards, but those aren't in place. I think it's
2 very troubling that this application doesn't, for
3 example, propose a specific redundant well. That is
4 one area of concern for the agency. And that's
5 something that we'd like to be able to explore
6 carefully and with the benefit of technical guidance
7 that honestly, I don't think it's reasonable to expect
8 us to scrape together in a couple of weeks.

9 THE HEARING EXAMINER: So Mr. Feldewert
10 brought out the fact that your pre-hearing statement
11 was not filed timely. What do you have to say about
12 that?

13 MR. BIERNOFF: If the tribunal wants to
14 disregard our pre-hearing statement, I'm here to make
15 a notice of appearance. I think that's timely under
16 19.15.4.10. I don't think that our pre-hearing
17 statement does anything other than explain the basis
18 for our objection, which I've done here in person. So
19 I'm not particularly concerned by that. I think given
20 the fact that we were essentially ambushed with this
21 application, I take the point that it may be timely,
22 as a technical matter. But as a practical matter not
23 really having appropriate notice and opportunity to
24 consult, I'm happy to present our position here in
25 lieu of the pre-hearing statement.

1 THE HEARING EXAMINER: You're
2 pre-hearing statement in the proposed evidence section
3 says, "That the State Land Office intends to call
4 Allison Marks, Director of the agency's Oil and Gas
5 and Minerals Division and Baylen Lamkin, petroleum
6 specialist supervisor. They will testify regarding
7 the agency's position on the application. May also
8 testify regarding potential effect on state trust land
9 or resources of injection into the proposed well and
10 any associated redundant well." Are those witnesses
11 available?

12 MR. BIERNOFF: No, they're not, on such
13 short notice. You know, it's been very difficult to
14 line up even staff witnesses. So they're not
15 available.

16 THE HEARING EXAMINER: All right.

17 MR. BIERNOFF: I had indicated that
18 they would be here. That was my hope that we could
19 make that work. But we have our monthly lead sale
20 today, and they're tied up with that.

21 THE HEARING EXAMINER: Okay. What I'll
22 do, Mr. Biernoff, this is the first time you've
23 appeared in front of me, at least. I'd never even met
24 you before, although I followed you at the attorney
25 general's office. After you left, I joined there. So

1 I had heard of you. And I knew that you went to the
2 State Land Office. I'm going to proceed with the
3 hearing today. But what we will do is we will
4 continue the hearing so that your witnesses can
5 testify at their earliest convenience. That will give
6 you a little bit of time to evaluate the evidence.
7 We've also put together a technical review of the
8 evidence as well. You'll benefit from hearing those
9 questions and our technical review, but I do give the
10 applicant deference in just about every case.

11 I'll get to you Mr. Feldewert.

12 In just about every case that goes
13 before us, if the applicant is ready to move forward,
14 my job here is to hear cases and move them to the
15 technical team for their review. I don't countenance
16 delay unless there's a very good reason for it. So
17 with that decision on the record, Mr. Feldewert, did
18 you want to add anything?

19 MR. FELDEWERT: I do. And I agree,
20 Mr. Examiner, that you don't countenance delay unless
21 there's a good reason, and there is not a good reason
22 here. Okay. They received notice pursuant to your
23 rules. They filed an untimely pre-hearing statement,
24 but let's just put that aside, in which they said
25 there are no procedural matters to be resolved prior

1 to the hearing. They said in their pre-hearing
2 statement that they would bring and have testify both
3 Ms. Allison Marks and Mr. Lamkin. Okay. And he chose
4 not to have them here today. My client had a
5 conversation with Ms. Marks yesterday.

6 In addition, if I may share June 23rd,
7 my client sends to Ms. Marks the C108. "I will follow
8 up with the exact distance from the State Land Office
9 properties." June 25th, Ms. Marks to my client, "I
10 had one of my engineers look at this and we don't see
11 any glaring issues. His comments were," and they go
12 on to talk about it. Otherwise, she says, "A
13 settlement for encroaching on SLO pore space will be
14 needed. That is what is driving this. Okay.
15 Nothing else. If not, I'm sure you will want,
16 perhaps, to look into his comments likely before
17 review by the OCC. They know review is coming up.
18 It's worth double checking. If you can report that
19 would be great. As to the distance aspect, I see from
20 the deviated bottom hole location, a distance of over
21 a half mile from the State Land Office." And then she
22 asked, "Do you have any idea where the redundant well
23 will be?"

24 Okay. Those are the two issues they
25 raised in their pre-hearing statement. Where is the

1 redundant well going to be, which we're addressing and
2 distance from the State Land Office, over a half mile.
3 There's no imminent concern about utilizing their pore
4 space. Chris Halfast gets back to her Friday, talks
5 about the redundant well, has a conversation with her
6 yesterday. Now, we've mentioned the need to get this
7 case moved forward. We were told by the division to
8 bring it to the division, which we did, okay, rather
9 than the commission. It's been pending for a while.
10 The State Land Office has had adequate notice. They
11 have not raised any issue other than a redundant well
12 and the fact that they want to be paid for their pore
13 space before we're even close to getting to their pore
14 space. That's all they've raised. Okay. So there's
15 nothing.

16 If they want to present a witness on
17 that and they've said they're going to do it today,
18 they need to do it today. There's no reason to delay
19 the hearing on this; make me and my clients come back
20 and delay the resolution of this. I disagree with
21 that decision. We shouldn't count this type of delay
22 when they've had plenty of notice. They've been on
23 notice of what's going on, and they've only raised two
24 issues.

25 THE HEARING EXAMINER: Thank you,

1 Mr. Feldewert.

2 Mr. Biernoff.

3 MR. BIERNOFF: We haven't had plenty of
4 notice, Mr. Hearing Examiner, Mr. Hearing Officer. As
5 I've noted, it may be that the applicant is
6 technically compliant with OCDs rules. I'm not
7 quarreling with that. But the notion that the sky is
8 going to fall if this AGI application among all the
9 others isn't fast tracked, I think is ridiculous. I
10 think that you've outlined a reasonable approach. I
11 understand the imperative to move matters that are on
12 the docket. And so, we're prepared to hear the case
13 as presented by the applicant. But do believe that
14 due process, Counsel's in favor of us having a real
15 opportunity as opposed to a hyper-technical, you know,
16 approximately 20-day opportunity to put a case
17 together of this nature and complexity.

18 THE HEARING EXAMINER: Let's deal with
19 the idea of fast tracking. The commission and the
20 division changed the way they're handling acid gas
21 injection wells a couple of months ago. Acid gas
22 injection wells will be handled as every other
23 application is. It'll come to the division first. So
24 there's no fast tracking in this case. What are you
25 pointing at?

1 MR. BIERNOFF: The microphone's not
2 close enough.

3 THE HEARING EXAMINER: Sorry, Freya.
4 What did you say?

5 MS. TSCHANTZ: Yeah, wasn't coming.

6 THE HEARING EXAMINER: It wasn't coming
7 close enough. Got it. Thank you.

8 Mr. Biernoff, you heard what I said
9 about the fast tracking. There's no fast tracking
10 here. Acid gas wells will be handled as other
11 applications are in front of the division first.
12 They're not going to automatically go to the
13 commission anymore. Okay?

14 MR. BIERNOFF: I hear you.

15 THE HEARING EXAMINER: Okay.

16 MR. BIERNOFF: Mr. Hearing Examiner, 20
17 days, 22 days, 23 days, that's less time than a party
18 has to answer a complaint in litigation. I understand
19 that there are particular rules and timelines that
20 apply to these proceedings. But I'm saying that as a
21 practical matter, the notion that Lea Midstream tells
22 us at the end of June that it wants to do this, very
23 close to our land, less than half a mile from our land
24 and has an adjudicatory hearing. And then potentially
25 gets its wish granted in the space of less than a

1 month, I do consider that to be fast tracking compared
2 with some of the other matters that are even on this
3 docket today. We've heard about matters that were
4 filed, you know, some months ago that are now being
5 heard. And so, that's our concern.

6 THE HEARING EXAMINER: Okay. I
7 understand your concern. Did you enter an objection
8 in this case?

9 MR. BIERNOFF: No. I'm raising our
10 objections right here and now.

11 THE HEARING EXAMINER: Okay. And
12 that's permissible under the rule, which ends up
13 turning this into a contested case from a hearing by
14 affidavit. But Mr. Feldewert, his client, his
15 witnesses are all here today. So we're going to hear
16 from his witnesses. You'll have an opportunity to
17 cross-examine them. I'm going to give you a very
18 short window to bring your witnesses to this hearing.
19 I will continue it, but for no longer than a week from
20 today.

21 So and, Mr. Feldewert, your witnesses
22 don't have to be available in person for the next part
23 of this hearing. They can be available virtually as
24 so can yours, Mr. Biernoff. They don't have to be
25 here in person.

1 MR. BIERNOFF: Okay.

2 THE HEARING EXAMINER: You need to be
3 here in person.

4 MR. BIERNOFF: That's fine.

5 THE HEARING EXAMINER: So we'll need to
6 figure out another day, within seven calendar days of
7 today, where we can finish this hearing to give your
8 witnesses chances to testify. And I'm not hearing a
9 formal objection to --

10 MR. BIERNOFF: Of me?

11 MR. FELDEWERT: Yeah. I am formally
12 objecting. Okay. And the reason --

13 THE HEARING EXAMINER: I figured you
14 would.

15 MR. FELDEWERT: -- I'm formally
16 objecting is -- I'm sorry, but the reason we file
17 pre-hearing statements is to let everybody know before
18 the hearing where they stand. Okay. And if I file a
19 pre-hearing statement on behalf of my client, and I
20 say, "I'm going to bring two witnesses, and they're
21 going to be here today," and I don't ask for a
22 continuance. I don't raise any concern about needing
23 more time. I don't raise any concern about this being
24 fast tracked, which is not correct. And I say in
25 procedural matters, there are no procedural matters to

1 be heard today. Okay. You're not going to allow me
2 to not bring my witnesses and you're not going to
3 allow me to delay the hearing.

4 I don't know why you're doing it for
5 the State Land Office. That's my formal objection.
6 But if things have changed, let me know. But that's
7 not how we operate and that's not how anybody operates
8 over there. Their witnesses are here; they're
9 available. They just didn't bring them. Okay. We
10 know that they're there. If he says he was going to
11 bring them today, he should bring them today. And if
12 he doesn't, that's their fault. And they didn't ask
13 for a continuance, and they didn't object to the
14 proceeding.

15 THE HEARING EXAMINER: So,
16 Mr. Biernoff, there's an objection. How do you want
17 to respond?

18 MR. BIERNOFF: Well, with that gracious
19 response from applicant's Counsel, you know, our
20 position is that this entire matter should be
21 continued. But we do understand the balance that
22 you're trying to strike, and we think that that's
23 reasonable. Again, we've been strung along by this
24 company telling our representative, "Oh, we're going
25 to come to terms. We want to reach a deal," and we've

1 got nothing. And we haven't heard any details about
2 where the redundant well is going to be. The idea,
3 like, "Oh, just trust us. Let's proceed. Authorize
4 the AGI, and we'll deal with the redundant well at
5 some point in the future," I think is concerning at a
6 minimum.

7 And it's absolutely the case that we
8 are wanting some assurance that if and when there's
9 injection into the well that we're compensated for
10 encroachment. That is part of our concern. That's
11 been stated clearly to the applicant. And so, I think
12 that if Lea Midstream is going to take an extremist
13 position, it's most appropriate for this matter to be
14 continued. And if on the other hand, it is your
15 determination to move forward, we think that it's
16 appropriate to bifurcate. It's not really being
17 bifurcated, but to hold open the hearing to provide
18 our staff an opportunity and possibly consultant the
19 opportunity to come in here and create a full record.

20 THE HEARING EXAMINER: I'm going to
21 take five minutes and come back on the record at
22 10:26. Thank you.

23 (Off the record.)

24 THE HEARING EXAMINER: All right. It
25 is 10:26 a.m. We're back from a five-minute recess.

1 I'm going to rule on the objection. I sustained the
2 objection that Mr. Feldewert made. It's legally
3 correct. However, I'm still going to handle this
4 hearing the same way that I said originally. So the
5 objection is to the pre-hearing statement. I agree
6 that it's not timely, and those witnesses will not be
7 able to testify in the case in chief. However,
8 Mr. Biernoff can bring those witnesses as rebuttal
9 witnesses. I'm going to limit the timeframe to one
10 week that we come back on the record and hear from
11 those witnesses, if they are needed. So I think we
12 should make a determination at the end of today's
13 hearing on when we're going to come back. But that's
14 my decision.

15 Mr. Feldewert, are you ready to present
16 your case?

17 MR. FELDEWERT: I am, sir.

18 THE HEARING EXAMINER: All right. How
19 many witnesses do you have?

20 MR. FELDEWERT: I have two witnesses.
21 We have Mr. Chris Halfast, who's the vice president of
22 engineering construction for Producers Midstream II,
23 LLC, which is a parent company we have. And then, we
24 have David White who's a petroleum geologist for
25 Geolex. He's previously testified before the division

1 and the commission as an expert in these matters. So
2 both of these parties have filed their statements
3 ahead of time and those were provided to the State
4 Land Office after they entered their appearance.

5 The only thing we did, Mr. Examiner, as
6 a housekeeping matter, is we added yesterday an
7 additional exhibit, Exhibit F, which were letters of
8 support that the company had received from a number of
9 these affected parties. They were addressed to the
10 Oil Conservation Division, but when I looked at the
11 file, they hadn't been in the file yet. So they were
12 added as Exhibit F to our application. Otherwise,
13 everything else stayed the same.

14 THE HEARING EXAMINER: All right. Do
15 we have Mr. Halfast and Mr. White here in the room
16 with us? I thought so.

17 Would you gentlemen come up to the
18 witness stand please? The button on the right side of
19 the microphone, would you press it? It should light
20 up green. Perfect. Would you both raise your right
21 hands, please?

22 //

23 //

24 //

25 //

1 WHEREUPON,
2 CHRIS HALFAST,
3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 WHEREUPON,
7 DAVID WHITE,
8 called as a witness and having been first duly sworn
9 to tell the truth, the whole truth, and nothing but
10 the truth, was examined and testified as follows:

11 THE HEARING EXAMINER: Thank you.
12 Would you individually state and spell your name for
13 the record?

14 THE WITNESS 1: Chris Halfast,
15 C-H-R-I-S H-A-L-F-A-S-T.

16 THE WITNESS 2: David White, D-A-V-I-D
17 W-H-I-T-E.

18 THE HEARING EXAMINER: Thank you.
19 And, Mr. Halfast, have you been
20 previously accepted as an expert before this division?

21 THE WITNESS 1: No, sir.

22 THE HEARING EXAMINER: You said no,
23 right?

24 THE WITNESS 1: Correct.

25 THE HEARING EXAMINER: Okay. Wait

1 there for a moment.

2 Mr. White, can you come close to the
3 microphone? Have you been previously qualified as an
4 expert for this division?

5 THE WITNESS 2: Yes, I have.

6 THE HEARING EXAMINER: In what field?

7 THE WITNESS 2: Geology, acid gas
8 injection, well design and operation, in use
9 seismicity risk assessment, seismic analysis, and
10 various other topics relating to these applications.

11 THE HEARING EXAMINER: So if you had
12 one field, would it be geology; would it be reservoir
13 engineering?

14 THE WITNESS 2: Geology.

15 THE HEARING EXAMINER: Geology?

16 THE WITNESS 2: Yes.

17 THE HEARING EXAMINER: Petroleum
18 geology?

19 THE WITNESS 2: Yes.

20 THE HEARING EXAMINER: Mr. White, would
21 you have a seat?

22 Mr. Halfast, would you sit down for a
23 moment? Let's get you qualified as an expert.

24 MR. FELDEWERT: Mr. Examiner,
25 Mr. Halfast is a fact witness.

1 THE HEARING EXAMINER: Not an expert
2 witness?

3 MR. FELDEWERT: Not an expert.

4 THE HEARING EXAMINER: Ah, very good.
5 Then you don't need to. Do you want to call him
6 first.

7 MR. FELDEWERT: I do.

8 THE HEARING EXAMINER: Then there you
9 are. Go right ahead, Mr. Feldewert.
10 WHEREUPON,

11 CHRIS HALFAST,
12 called as a witness and previously sworn to tell the
13 truth, the whole truth, and nothing but the truth, was
14 examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FELDEWERT:

17 Q Mr. Halfast, did you review, revise, and
18 sign what's been marked as the Midstream Exhibit B,
19 which I have up on screen?

20 A Yes.

21 Q Okay. And does Exhibit B contain your
22 testimony that you are offering the division here
23 today?

24 A Yes, it does.

25 Q And you affirmed this statement under

1 penalty of perjury, correct?

2 A Yes, I did.

3 MR. FELDEWERT: Okay. With that
4 said then, Mr. Examiner, just to move things along, we
5 ask that Exhibit A be admitted and Mr. Halfast can
6 receive questions from the division, I guess from the
7 State Land Office.

8 THE HEARING EXAMINER: Thank you,
9 Mr. Feldewert. I just want to make sure that the
10 basis of this testimony is his expertise in
11 engineering, it's literally just lay witness facts.

12 MR. FELDEWERT: It's testimony about
13 their system, the operators that are affected,
14 etcetera, yes.

15 THE HEARING EXAMINER: And you're
16 saying that doesn't require specialized knowledge?

17 MR. FELDEWERT: Well, he is a fact
18 witness for the system, yes. I mean, requires
19 knowledge of their system, I suppose.

20 THE HEARING EXAMINER: Let's get him
21 qualified.

22 MR. FELDEWERT: We can get him
23 qualified as an expert in petroleum engineering.

24 THE HEARING EXAMINER: Let's get him
25 qualified.

1 I'll get you qualified. That way
2 there's no question about your testimony.

3 THE WITNESS: Not a problem.

4 THE HEARING EXAMINER: Thank you. What
5 education do you have, and give me some dates and
6 degrees. What education do you have that goes towards
7 petroleum engineering?

8 THE WITNESS: Master's degree in
9 chemical engineering from the University of Texas.

10 THE HEARING EXAMINER: Dates?

11 THE WITNESS: 2004. Graduated 2004.

12 THE HEARING EXAMINER: Okay. Is that
13 it?

14 THE WITNESS: Yes, sir.

15 THE HEARING EXAMINER: Okay. And then
16 since 2004, what work have you done in petroleum
17 engineering?

18 THE WITNESS: I've been -- ever since I
19 graduated college in 2004, I have been in EPC
20 engineering and design for all kinds of different oil
21 and gas engineering. So my specialty has been
22 Midstream natural gas for the past 15, 20 years. I've
23 designed multiple hypergenic processing plants,
24 feeders for engineers all across the country, gas
25 systems, compression stations.

1 THE HEARING EXAMINER: Who have you
2 worked for since 2004?

3 THE WITNESS: First started off with
4 Plant Process Equipment down in Houston. We were an
5 EPC company. Then I moved on to gas technology where
6 we built, design, and leased, and sold anchor treating
7 plants. Then I moved on to PVR Midstream. We were a
8 oil and gas Midstream company. We got acquired by
9 Regency Energy Transfer or Regency Energy Partners,
10 which later turned into Energy Transfer. Then I went
11 to private equity, in fact, Caiman Energy. We built
12 and designed the system the fixture system up in the
13 northeast.

14 THE HEARING EXAMINER: Instead of
15 telling me what "we did," I want to know what you did
16 or what your title was, what your job duties were.

17 THE WITNESS: I -- I started off -- so
18 I've been process engineer at PDR, project engineer
19 and project manager there. I was the process engineer
20 at Plant Process Equipment. I was project engineer,
21 process engineer, project manager at Gas Technology.
22 At Caiman Energy I started off as a project engineer
23 and then moved up to manager of engineering and
24 director of engineering. After that I left and went
25 to Align Midstream, which is another oil and gas

1 industry company where I was vice President of
2 engineering construction. And then I went to EnLink
3 as a senior project manager. And now, I've been over
4 at Producers Midstream administrating for almost the
5 past year as vice president of engineering and
6 construction.

7 THE HEARING EXAMINER: All right.
8 Mr. Biernoff, any objection?

9 MR. BIERNOFF: To qualifying this
10 witness as an expert?

11 THE HEARING EXAMINER: Uh-huh.

12 MR. BIERNOFF: No objection.

13 THE HEARING EXAMINER: Excellent. You
14 are hereby before this division recognized as an
15 expert in petroleum engineering.

16 Now, Mr. Feldewert has already asked if
17 you have adopted this self-affirmed statement under
18 oath and you said yes.

19 Is there anything further from this
20 witness, Mr. Feldewert?

21 MR. FELDEWERT: No, sir.

22 THE HEARING EXAMINER: Okay. Very
23 good. Mr. Biernoff, cross-examination.

24 //

25 //

CROSS-EXAMINATION

BY MR. BIERNOFF:

Q Mr. Halfast, am I saying your name correctly?

A Yes.

Q Okay. Mr. Halfast, what is the relationship between the company that employs you and Lea Midstream? It's a different name, right?

A It's a different name. Lea -- Lea Midstream is a subsidiary of Midstream.

Q Okay. And when did Lea Midstream or the parent company, your employer, first decide that it wanted to drill and inject into an acid gas injection well, at this location, White Russian?

A I don't have the exact date. I started with Producers Midstream in August of last year. And this work had already commenced, the project team. So it was in '24.

Q Okay. Sometime in 2024?

A Yes, sir.

Q Okay. When did Lea Midstream or Producers Midstream first file its application with Oil Conservation Division for this AGI well?

A I don't have that information in front of me.

1 MR. FELDEWERT: It's okay. It's in the
2 record.

3 BY MR. BIERNOFF:

4 Q Okay. Do you remember approximately when it
5 was?

6 A March of this year.

7 Q Okay. Did you have any communications with
8 any staff at the New Mexico State Land Office about
9 this proposed AGI well?

10 A I have, yes.

11 Q Okay. Do you remember who from the State
12 Land Office you've had communications with?

13 A I talked to Allison Marks.

14 Q And who is Allison Marks?

15 A I believe she's the director of the SLO.

16 Q When did you reach out to Allison?

17 A It was towards the end of June.

18 Q Okay. And what was the purpose of your
19 outreach to Allison?

20 A It was an introductory call to let her know
21 that we are submitting this application and having a
22 hearing with the OCD and develop a relationship, with
23 the SLO.

24 Q Have you had any previous business dealings
25 with the State Land Office in your capacity, you know,

1 in your role at Producers Midstream?

2 A I personally have not, but parts of my team
3 have been involved on right of way for our pipelines
4 and some of our business leases with compressor
5 stations.

6 Q Okay. And what was the outcome of your
7 discussions with Alison Marks?

8 A We had a very good introductory call. She
9 had sent back a few follow up questions and David
10 White and myself discussed them. And I did reach back
11 out to her last Friday ,and I believe she was on
12 vacation. And I followed up with an email to her
13 discussing some of those details. And then her and I
14 did have another phone conversation, yesterday.

15 Q Okay. And what is your understanding, if
16 you have one, of the questions or concerns that the
17 State Land Office raised; that Allison Marks raised
18 with you?

19 A There was two concerns. One of them was
20 location of the redundant well and the other was pore
21 space lease negotiation.

22 Q What did you tell Allison Marks about the
23 location of the redundant well?

24 A I said it has not been finalized. We are
25 waiting on additional information from drilling of the

1 well, and some 3D seismic information so that we put
2 it in the most optimal and safe location.

3 Q When does --

4 THE HEARING EXAMINER: Mr. Biernoff,
5 would you turn on your microphone? It's been off all
6 this time.

7 MR. BIERNOFF: Thanks for the reminder.

8 THE HEARING EXAMINER: It's on now.

9 MR. BIERNOFF: Okay.

10 BY MR. BIERNOFF:

11 Q When does Producers Midstream or Lea
12 Midstream expect that it will determine the location
13 of the redundant well?

14 A I will defer to David White, our expert,
15 when he comes up here.

16 Q And you had mentioned David White during
17 your testimony. Did David White join you in any
18 discussions with Allison Marks of the land office?

19 A Not personally on the phone. I did copy him
20 on one of the emails, the response to Allison.

21 Q Okay. Were there any other issues that you
22 and Allison Marks discussed regarding this application
23 other than the location of the redundant well and
24 force space encroachment?

25 A No, sir.

1 Q Did you and Allison come to any conclusion
2 regarding the pore space encroachment?

3 A She had sent over an agreement that the SLO
4 and Targa had previously entered into towards the end
5 of 2024. And we got that over yesterday afternoon,
6 started reviewing it. We are committed to working
7 with the SLO and develop a relationship, and working
8 towards an agreement here.

9 Q Did you tell Allison Marks in your
10 conversation with her yesterday that you would get
11 back to her by the end of the day, meaning yesterday
12 with a compensation agreement?

13 A I do not believe so.

14 Q Did you tell Allison Marks in your
15 conversation yesterday, that's July 14th, that you
16 would get back to her accepting or rejecting the
17 proposed compensation that the State Land Office was
18 seeking?

19 A No.

20 Q Did you provide Allison Marks with any
21 timeframe for when you would get back to her on the
22 pore space encroachment issue?

23 A No definitive date.

24 Q Do you have in mind any definitive date for
25 when you will get back to the land office if ever on

1 the pore space issue?

2 A I have no problem reaching back out to
3 Allison and discussing this matter this week.

4 Q Who is the decision maker at Lea Midstream,
5 Producers Midstream for matters like this reaching
6 resolution with potentially affected parties like the
7 land office?

8 A Myself, I have the ability to make this
9 decision, but we go through our executive team and
10 discuss this as a group.

11 Q Okay. Just so I understand, so you can make
12 the decision yourself, but you need to visit with
13 other people in the company?

14 A Yes.

15 Q It doesn't require a supervisor to approve
16 compensation or lack of compensation for the land
17 office, you know, rendering a decision on this issue?

18 A I'm not following your question.

19 Q You don't need to go to anybody else to get
20 approval if Lea Midstream or Producers Midstream is
21 going to take any definitive action in this area?

22 A I will discuss it with our COO, Chief
23 Operating Officer, James Hegar.

24 Q Okay. And did you tell Allison Marks in
25 your conversation of July 14th yesterday that you

1 would talk with any of your colleagues or with James
2 Hegar, and then get back to her? Allison?

3 A Yes, I did. I said we would review this as
4 a group, and I'd get back to her.

5 Q Okay. But again, you didn't offer any
6 particular timeframe for doing that?

7 A No, sir. I was catching a flight here.

8 Q Okay. Do you believe that the State Land
9 Office is entitled to compensation for prospective
10 encroachment into its enforcements?

11 MR. FELDEWERT: Object to the form.
12 The question calls for a legal conclusion.

13 THE HEARING EXAMINER: Calls For what?

14 MR. FELDEWERT: A legal conclusion.

15 THE HEARING EXAMINER: Mr. Biernoff.

16 MR. BIERNOFF: As a business and
17 operational matter, I'm asking if the witness thinks
18 that the State Land Office -- if there's any merit to
19 what the State Land Office is asking for. Not asking
20 for a legal --

21 THE HEARING EXAMINER: The objection
22 was that it calls for a legal conclusion. That's the
23 objection.

24 MR. BIERNOFF: I'm not asking for a
25 legal conclusion. I'm asking for what this particular

1 witness thinks is reasonable, as a business matter.

2 MR. FELDEWERT: Okay.

3 THE HEARING EXAMINER: So I'm going to
4 sustain the objection. You can rephrase the question.

5 BY MR. BIERNOFF:

6 Q So, Mr. Halfast, do you believe that there's
7 any reason for your company to pay money to the State
8 Land Office for the State Land Office's claim that
9 injection would encroach on its pore space.

10 MR. FELDEWERT: Let me object. You're
11 talking about in this circumstance where the wellbore
12 is over a half mile from the State Land Office
13 acreage? You talking about that circumstance?

14 MR. BIERNOFF: I'm talking about the
15 circumstance where the wellbore is less than one half
16 mile from state acreage, as in this case.

17 MR. FELDEWERT: The bottom well
18 location is over a half mile, according to
19 Ms. Allison.

20 MR. BIERNOFF: The surface location is
21 less than half a mile and that seems pretty
22 dispositive here. In any case, we're talking,
23 Mr. Hearing Officer, about this circumstance, this
24 particular well.

25 THE HEARING EXAMINER: It's an

1 objection. So don't answer yet. So what is your
2 objection?

3 MR. FELDEWERT: So okay. It sounds
4 like he's asking two questions and it's not quite
5 clear. So it seems to me that the question at this
6 point is somewhat vague, but if he wants to pinpoint
7 it to this particular circumstance, both from the
8 surface of the location or the bottom of the location,
9 then I don't have an objection.

10 THE HEARING EXAMINER: All right. So
11 will you be clear with your question when you ask the
12 witness this question?

13 MR. BIERNOFF: I'll do my best.

14 BY MR. BIERNOFF:

15 Q In this particular circumstance, you
16 understand we're talking here today about the White
17 Russian well?

18 A Yes.

19 Q Okay. So for the White Russian well, do you
20 believe that there's any reason that Lea Midstream or
21 Producers Midstream should pay the State Land Office
22 any amount of money, based on the location of this
23 well, vis-a-vis state trust land?

24 A I will defer to our geology expert, David
25 White, and what has been previous experiences. This

1 is my first dealing with an AGI well.

2 Q So my question is not about geology, and it
3 doesn't call for geological expertise. I'm asking as
4 a business matter, do you believe that there's a
5 reason why your company or companies should pay any
6 money to the State Land Office again for the location
7 of this well, White Russian, vis-a-vis state trust
8 land?

9 MR. FELDEWERT: I object to the form of
10 the question. I think he's testified that he doesn't
11 have the background or the experience to address the
12 question.

13 THE HEARING EXAMINER: Mr. Biernoff.

14 MR. BIERNOFF: Mr. Hearing Officer,
15 this witness is being presented as a representative of
16 the company. I'm not asking about geology. I'm
17 asking about the company's business and operational
18 decision making. And I think that's an appropriate
19 question for a corporate representative.

20 THE HEARING EXAMINER: Hold on a
21 second. So this witness that's been qualified as a
22 petroleum engineer, I don't know that his expertise, I
23 don't know that -- why don't you ask him some
24 questions to provide a foundation for your question.

25 MR. BIERNOFF: I'm happy to do that.

1 So --

2 THE HEARING EXAMINER: Okay. The
3 objection was sustained.

4 BY MR. BIERNOFF:

5 Q Mr. Halfast, what again is your role at
6 Producers Midstream? Will you remind us?

7 A Vice president of engineering and
8 construction.

9 Q Okay. And what are your job duties as vice
10 president of engineering and construction?

11 A To lead and design our gathering,
12 processing, treating, engineering pipelines,
13 compressor stations, plants, and the construction and
14 execution of the projects.

15 Q Okay. And in that capacity, do you enter
16 into any contracts?

17 A I deal with contracts on -- with contractors
18 that execute pipeline construction, facility
19 construction.

20 Q Okay. And what about permitting?
21 Permitting like this one, the application that we're
22 here for today?

23 A No, I have not entered into permitting
24 contracts.

25 Q But are you involved in the process of

1 applying for regulatory permits like this one?

2 A Yes, I am.

3 Q And will you describe the role that you
4 played in preparing this particular application for
5 White Russian?

6 A I have reviewed the data that our consultant
7 Geolex has put together. We discussed the design of
8 the well and looking to push through for an expedited
9 review.

10 Q Okay. And you testified that you reached
11 out to the State Land Office to develop a
12 relationship. What kind of relationship are you
13 looking for with the State Land Office?

14 A We --we have dealings with our pipeline
15 right-of- way, and compression stations, and looking
16 to establish a good relationship to continue our
17 business dealings with them.

18 Q Describe your role in having or promoting
19 business dealings, you know, on behalf of your company
20 with the State Land Office.

21 A So we have our team and our right-of-way
22 consultants that work with the SLO and other
23 landowners with our pipeline routes, our compressor
24 stations. So we do go through and discuss optimal
25 routes and compensation for those.

1 Q Okay. And you testified that you, with
2 consultation with others at your company, would be
3 empowered to make a decision whether or not to provide
4 any compensation to the State Land Office for this
5 well, the location of this well, right?

6 A Once we receive a proposal, yes.

7 Q Okay. And so, I'm asking what would be your
8 criteria for determining whether or not Lea Midstream
9 Producers Midstream should provide any compensation to
10 the State Land Office?

11 A Previous examples that Geolex and our other
12 consultants have -- have dealt with in the past.

13 Q So you look at previous examples, but how
14 would you decide, because you did testify that you're
15 the decision maker. How would you decide whether or
16 not to proceed with any compensation?

17 A Once we -- we see what the proposal looks
18 like, then we'll review it, and decide whether it is
19 a -- a agreement that we can move forward.

20 Q And so, I'm asking, coming back full circle,
21 do you believe that this, as a business
22 representative, as a vice president of your company,
23 who has the power to make a decision over whether or
24 not to enter into a compensation agreement, that the
25 land office should get any compensation, in this

1 situation?

2 MR. FELDEWERT: Object to the form of
3 the question. At this point in time or some point in
4 the future when the encroachment is more clear?

5 MR. BIERNOFF: Well, I'm happy --

6 THE HEARING EXAMINER: Okay. Hold on.

7 MR. BIERNOFF: Okay.

8 THE HEARING EXAMINER: So the original
9 objection after hearing his background and
10 understanding his role in this is more clearly based
11 on the foundation laid by Mr. Biernoff is sustained.
12 However, Mr. Biernoff asked a different question,
13 which I thought was easily answered by the witness.
14 Which is, "What is the criteria you use in determining
15 whether compensation is possible or not?" And now
16 that we've gone down that road, which I think is a
17 fair road, I agree that the last question you asked,
18 it doesn't build upon that criteria aspect of it. So
19 I'd like you to stay within that criteria aspect that
20 you asked. And ask the question you want but keep
21 within that area.

22 MR. FELDEWERT: If I may, Mr. Examiner,
23 now that we've heard all this, lodge one other
24 objection. And that is the issue before the Oil
25 Conservation Division is whether this well should be

1 permitted based on the criteria utilized by the Oil
2 Conservation Division. This whole line of questioning
3 about what should be done with the State Land Office,
4 whether the State Land Office is entitled to pore
5 space compensation, at what point in time should the
6 State Land Office be entitled to pore space
7 compensation, at what distance, etcetera, is not an
8 issue that the Oil Conservation Division gets involved
9 in.

10 So I don't know why we are spinning our
11 wheels addressing those issues that have nothing to do
12 with the matter before the division. I gave it some
13 leeway, but I don't understand why we're going down
14 this route.

15 THE HEARING EXAMINER: So I think the
16 objection, Mr. Biernoff, is relevance. However, I
17 think you've waived that objection a while ago. I
18 mean, this has been going on now for ten and we've now
19 learned a lot of information that maybe we didn't need
20 to know or not. So, Mr. Biernoff, it is on the
21 outskirts of relevance at best. So please, wrap up
22 this with one more pointed question to this witness
23 building on your criteria.

24 MR. BIERNOFF: I will do that,
25 Mr. Hearing Officer. And I'll just note the waiver

1 issue I think is real and it's not just because of me
2 asking questions and not having objections. I
3 appreciate Counsel being courteous in that respect.
4 Counsel has introduced to you, to the Hearing Officer,
5 emails from my office. He has opened the door to this
6 issue. He can't have it both ways. He wants to say
7 we need to move forward today, and we got to hurry up
8 and get this issued because the State Land Office is
9 going to benefit from it, and because the State Land
10 Office said things are going well in terms of these
11 discussions. So I think it's appropriate for us to
12 explore it. I take your admonition to move along, and
13 we're going to do that.

14 BY MR. BIERNOFF:

15 Q So what I want to know, Mr. Halfast, is how
16 will you make a decision as to whether or not the
17 State Land Office, whether your company will or won't
18 provide any kind of compensation to the State Land
19 Office again for the White Russian well?

20 A Once we receive a proposal from the State
21 Land Office, we will review it, look at the commercial
22 implications and proceed from there. We are committed
23 to working with the State Land Office.

24 Q Okay. Well, I certainly appreciate that.
25 Do you believe that acid gas injection, assuming that

1 the White Russian well is permitted and injection
2 commences, could interfere with other disposal, within
3 let's say a half mile radius, of that well?

4 A I'm not an expert in geology. I'm really
5 engineering.

6 Q Okay. But you're a petroleum engineer,
7 right?

8 A I'm a chemical engineer.

9 Q You're a chemical engineer. Do you have any
10 expertise that would bring to bear on the location or
11 the geology of this particular well?

12 A No. I do not.

13 Q Would you defer to David White? Do I have
14 that name right?

15 A Yes.

16 Q You would defer to him on those matters?

17 A Yes, I would.

18 MR. BIERNOFF: Okay. No more questions
19 for me.

20 THE HEARING EXAMINER: Thank you.
21 Mr. Gebremichael.

22 MR. GEBREMICHAEL: Yes. Mr. Hearing
23 Examiner, I have quite a few questions for the expert,
24 but for Mr. White, not for Mr. Halfast. Sorry.

25 THE HEARING EXAMINER: Mr. Feldewert,

1 redirect?

2 MR. FELDEWERT: No questions.

3 MR. GEBREMICHAEL: No questions.

4 THE HEARING EXAMINER: Okay. You may
5 be excused. Thank you. Although you may end up
6 coming back for rebuttal either here or virtually at
7 some point.

8 MR. White.

9 THE HEARING EXAMINER: Mr. Feldewert,
10 who is the other gentleman in the back of the room?

11 MR. FELDEWERT: I'm sorry. The other
12 gentleman is Mr. Will McCraney. He's the chief
13 commercial officer. He was not listed as a witness.

14 THE HEARING EXAMINER: Thank you.

15 Mr. White, is your microphone on?

16 MR. WHITE: Yes, it is.

17 THE HEARING EXAMINER: Mr. Feldewert.

18 WHEREUPON,

19 DAVID WHITE,

20 called as a witness and previously sworn to tell the
21 truth, the whole truth, and nothing but the truth, was
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. FELDEWERT:

25 Q Good morning, Mr. White. Would you state

1 your full name for the record and identify by whom
2 you're employed and work capacity?

3 A David Allen White. I'm employed by Geolex,
4 Incorporated as the vice president and senior
5 geologist.

6 Q And Mr. White, did you prepare the Form C108
7 application that has been filed with the division?

8 A Yes, I did.

9 Q And did you also then address the revision
10 to that C108 application that was subsequently filed
11 with the division?

12 A Yes, I did.

13 Q And did you affirm it as needed per the
14 requirements of the form?

15 A Yes.

16 Q And that C108 application, the revised form
17 that was submitted to the division, has that been
18 marked as Exhibit A to lead partners hearing package?

19 A Yes, that's correct.

20 Q And then you're statement, has that been
21 marked as Exhibit C to the hearing package?

22 A Yes, it looks like it.

23 Q And you affirm that statement, correct?

24 A Yes, I do.

25 Q And you note in paragraph 2, your areas of

1 expertise for which you've been qualified to testify
2 before the division?

3 A Yes, that's correct.

4 MR. FELDEWERT: Mr. Examiner, I will
5 then present Mr. White -- actually I move the
6 admission of Exhibits A and C. I don't think there's
7 any sub-exhibits. And then tender Mr. White for
8 questions.

9 THE HEARING EXAMINER: Thank you. You
10 said A and C. Did you not want to move all of your
11 exhibits into evidence?

12 MR. FELDEWERT: Well, we certainly can.
13 It would be Exhibits A through F.

14 MR. BIERNOFF: Mr. Hearing officer, I
15 am going to object to the admission of F. That is the
16 testimonials from oil and gas companies. You know, I
17 don't think that the applicant should be able to raise
18 what I think is this inordinate fuss about the
19 timeliness of our participation in this proceeding and
20 then sneak in all of these letters which are also
21 cumulative. And I would also say are of limited
22 evidentiary salience to this matter. So we do object
23 to F.

24 THE HEARING EXAMINER: Okay. All
25 right. So, Mr. Feldewert, Exhibits A through E are

1 admitted through stipulation, basically.

2 MR. FELDEWERT: Yes.

3 THE HEARING EXAMINER: There's no
4 objection to them. When it comes to supplemental
5 Exhibit F, which I have not had time to review, why
6 are they relevant?

7 MR. FELDEWERT: You see, Mr. Examiner,
8 that all these were directed to the agency with
9 respect to this case. And they all indicate the need
10 for acid gas disposal in this area. These are for
11 producers who have wells that have been drilled, who
12 are waiting for acid gas disposal options. And so,
13 they wanted to inform the division of the need for
14 this well and that they support approval of this
15 disposal option as soon as possible.

16 THE HEARING EXAMINER: Okay. So what
17 is the relevance of these exhibits?

18 MR. FELDEWERT: So relevance is A, the
19 need for the disposal well, which I think is, is a
20 relevant factor. It's also relevant to our request
21 for an expedited treatment due to the lack of disposal
22 capacity in this area. So they haven't asked to be
23 parties. So there's no deadline for them to send this
24 in. And they've sent it in by way of the letter.

25 MR. BIERNOFF: And it's the applicant

1 who's submitting these letters, right? It isn't that
2 Cimarex, or Lario, or anybody else is asking to weigh
3 in on the sidelines. The applicant wants to beef up
4 its application. I ordinarily wouldn't object to
5 that. But given the strenuousness of Counsel's
6 objection to our filing and appearance and
7 participating in this proceeding, I think for the sake
8 of consistency and fairness, it's appropriate to not
9 let Exhibit F in.

10 MR. FELDEWERT: Let me step back. I
11 didn't object to their witnesses. They chose not to
12 bring them. Okay, number one. Number two, and I
13 didn't object to his appearance here today. He has
14 every right to be here. He got notice and that's why
15 he's here. Number three, these are operators out
16 there who were directly affected by this application.
17 Many of them operate on state lands which have wells
18 drilled on state lands. And so, it does have a
19 bearing on the importance of this, and it does have a
20 bearing on the need for the disposal capacity in this
21 area.

22 THE HEARING EXAMINER: All right.

23 MR. BIERNOFF: If that --

24 THE HEARING EXAMINER: Hold on. I've
25 heard from both parties. Thank you. I'll make a

1 decision. I'm going to reserve my judgment on this
2 issue. So F is not admitted as of this moment. By
3 the end of the hearing, we will deal with this. I
4 will come back to it. Okay, so all of your other
5 exhibits A through E are admitted into evidence.

6 (Case 25413 Exhibits A through E were
7 marked and received into evidence.)

8 Is this witness now ready for cross-
9 examination?

10 MR. BIERNOFF: Yes, sir.

11 THE HEARING EXAMINER: Okay.

12 Mr. Biernoff.

13 CROSS-EXAMINATION

14 BY MR. BIERNOFF:

15 Q Okay. Mr. White, I just want to clear up,
16 have you had any communication with Allison Marks or
17 anybody else from the New Mexico State Land Office
18 about this particular application, White Russian?

19 A No direct correspondence.

20 Q You've been cc'd on messages, but that's the
21 extent of it?

22 A I have been provided some email
23 communication with questions from the State Land
24 Office regarding the redundant well location and
25 provided some feedback to those email correspondence.

1 Q Where is the redundant well location?

2 A Like many acid gas injection well projects,
3 the location of the redundant well is -- is not yet
4 known at this time. Ultimately, you know, the -- the
5 scale of these projects and -- their importance to a
6 gas treatment facility or gas processing facility is
7 such that, you know you want to gather as much
8 available geologic data as you can, which includes
9 those data that are yielded from drilling the first
10 well in finalizing and citing a location for that acid
11 gas injection well. It's expected at this time that
12 that second redundant well, which my client has been
13 aware of the expectation that a redundant well will be
14 part of this type of project in New Mexico. That
15 will -- that -- the location of that well will
16 ultimately be determined by what data yielded from
17 drilling the first well and any ongoing analysis of
18 the project area, they continue down the road.

19 Q Okay. So the location of the redundant well
20 could be very close. And let me be precise about
21 that; could be less than half a mile from state trust
22 land, is that right?

23 A I -- I don't think it's known at this time.
24 Ultimately, you know, from an operations perspective
25 it's often good to have the surface locations of these

1 wells very close to each other or relatively close to
2 each other. So that from a personnel safety
3 standpoint and an operational safety standpoint,
4 they're kind of together and isolated from heavy foot
5 traffic in a particular facility. But where the
6 optimal bottom hole location may be -- you know, may
7 be towards state land or may be away from state land.
8 And at this time, we're only proposing one well with a
9 definitive point of injection and proximity to state
10 land.

11 Q Okay. And since it's not known at this time
12 where the redundant well will be located, it is
13 possible that the applicant Producers Midstream or Lea
14 Midstream will try to locate the well half a mile from
15 State trust land or less, right?

16 A It could be that that it is within half a
17 mile of state trust land. However, that redundant
18 well, while it's often required by the approval of a
19 first AGI well, it is not approved through the process
20 of a first AGI well application. And it will have its
21 own C108 application that it's prepared where the
22 subsurface is analyzed in the location it's
23 considered. And a request for that location and
24 application will be accompanying that redundant well
25 project.

1 Q Have you been retained by Lea Midstream or
2 Producers Midstream to study the location for a
3 redundant well?

4 A Not at this time. There have been no
5 engagements specific to the redundant AGI well
6 location. However, we all retain as geologic support
7 experts for analysis of their project area for
8 development of this application being heard today and
9 as -- currently as the project continues forward.

10 Q Have you, and when I say "you" here, I mean
11 not just yourself personally, but anybody that's from
12 Geolex, that's working with you or under you, have you
13 conducted any analyses for determining the appropriate
14 location for the redundant well?

15 A We have completed the analyses that are
16 present and communicated in this application.
17 However, we understand that moving forward the data
18 collected from drilling AGI #1 well, as well as any
19 additional data with respect to offset wells, other
20 projects in the area or additional data commercially
21 available that is attained by or acquired by Lea
22 Midstream would be utilized in future efforts and in
23 future sighting of a redundant well.

24 Q Are there any analyses that you or your
25 colleagues have performed regarding the potential

1 location of a redundant well that have not been
2 included in the application that's before the Oil
3 Conservation Division today?

4 A No. Currently there's no tentative
5 redundant well location or any forecasts or modeling
6 that have been done to explore any potential
7 locations.

8 Q And, Mr. White, I think you said, and
9 correct me if I'm wrong, that typically, or maybe you
10 even said ideally, the surface location of a redundant
11 well would be located at the same place as primary
12 well. Do I have that right?

13 A If the reservoir and the subsurface
14 attributes are suitable for -- for that to be the case
15 then, yes. Having those process units at the surface
16 in locations that minimize foot traffic and personnel
17 interaction provide a safer option. In the event that
18 that's not available should -- should it be with
19 respect to reservoir capacity or reservoir quality,
20 then other opportunity or other options might need to
21 be explored.

22 Q Have you presented a recommendation to
23 Producers Midstream or Lea Midstream that the
24 redundant well should be located on the same pad or at
25 the same location as the primary well?

1 A No, I have not. And that's ultimately
2 because you know, that recommendation, you know, may
3 not be a good recommendation. Should it be the AGI #1
4 well is drilled, and it's drilled in location that is
5 unsuitable for injection. Ultimately, the goal of
6 these wells is to reduce waste, reduce release events
7 and you know, providing that professional
8 recommendation that a well should be in the same place
9 as the first well may turn out to be a very bad
10 recommendation, should risk for attributes not be
11 suitable for that?

12 Q Do you know when in time approximately, I'm
13 not looking for a date, certainly; when in time
14 Producers Midstream or Lea Midstream intends to make
15 its determination about the location of the redundant
16 well?

17 MR. FELDEWERT: Mr. Examiner, I don't
18 want to waive anything. But I do like to give Counsel
19 a little leeway. But the redundant well is not an
20 issue here today. What is the issue here today is the
21 White Russian, number one, for which you see 108's
22 application has been filed. So I don't know why we're
23 going to go down the road and discuss redundant well,
24 that if when it's permitted will require its own
25 hearing.

1 THE HEARING EXAMINER: So what is the
2 basis of the objection?

3 MR. FELDEWERT: Relevancy.

4 THE HEARING EXAMINER: Relevancy.
5 Thank you.

6 MR. BIERNOFF: My response is simple.
7 The redundant well is something that Lea Midstream
8 says that it's going to move forward with. I have
9 questions that I think will establish at least from
10 this witness, the importance of having a redundant
11 well, and certainly we flagged it as a concern of
12 ours. And so, we're being told on the one hand, "Oh
13 this is irrelevant." And on the other hand, "Oh,
14 we've got this covered. And we're going to take care
15 of it and it's going to go fine." So I'm not sure
16 which one it is, but as long as this is a live issue,
17 I think we should be able to explore what the
18 company's intentions are.

19 THE HEARING EXAMINER: Okay. Objection
20 is overruled. You can continue.

21 BY MR. BIERNOFF:

22 Q Okay. Mr. White, do you think it's
23 important for an acid gas injection well to have a
24 redundant well?

25 A I think yes. I think in general it is.

1 Q Have you participated in any Oil
2 Conservation Division or Oil Conservation Commission
3 proceeding where an acid gas injection well applicant
4 company that wants to drill and inject an acid gas
5 injection well has not had a redundant well at all?

6 A I have not participated in any. There have
7 been prior to probably 2018-ish numerous acid gas
8 injection wells that have been permitted as a singular
9 well. Projects since that time I think it has been --
10 you know, every order issued by the division and/or
11 the commission has come with conditions of approval
12 for a redundant acid gas well at these facilities.
13 Based on that precedence and that normal procedure
14 and -- and requirements of a permit, we don't expect
15 anything different from this.

16 Those conditions of approval from the
17 commission and the division often come with very
18 straightforward timeframes with respect to when that
19 redundant well application should be submitted and
20 when that redundant well should be in service. And
21 like I said, I think the -- the existing protocols are
22 really the vehicle for defining and --and determining
23 the appropriate location for that well, the
24 application that requests approval for that redundant
25 well, and the timeline you're expected to do it.

1 Q And you testified a minute ago that in
2 general you think it's a good idea or it's important
3 for acid gas injection wells to have redundant wells,
4 right?

5 A Yeah. I think any redundant process when it
6 comes to injection wells or process units that -- that
7 minimize waste and reduce flaring, yeah, absolutely.
8 I think it's a -- a good idea to have that be a
9 redundant system.

10 Q Why is it a good idea in this context, acid
11 gas injection?

12 A It's -- I mean to simply -- simply put, I
13 mean, it allows operators to maintain compliance with
14 respect to waste rules while continuing to maintain
15 operation of process units that are really preferable
16 for the safety and -- and the operational stability of
17 facilities.

18 Q Tell me more about safety. What are the
19 safety reasons, if there are any that there should be
20 redundant well, for an acid gas injection.

21 A I think acid gas injection wells in -- in
22 general are -- are throughput processes. They -- they
23 don't involve as -- as much in terms of potential
24 exposure to personnel at the facility. They result in
25 the sequestration of gases into deep geologic

1 formations where they're permanently contained and
2 ultimately don't have the same challenges as some
3 alternative sour gas processes.

4 Q Okay. And with these answers, what you've
5 told us about redundant wells in general, let me
6 return to the question that Counsel objected to with
7 the objection overruled. And let me ask you, do you
8 know when in time your client here intends to seek
9 permission authorization for a redundant well?

10 A Well, I think that would ultimately depend
11 on two things. The availability of data from drilling
12 of the first well that is being proposed. It would be
13 potentially -- it could be a potential issue to commit
14 to a second well location when you don't have the
15 data, whether that be geophysical log data, injections
16 of testing data, or anything from the first well
17 before committing to the second. Well, so I think,
18 you know, the question of when becomes how much data
19 do I have, what do the data from the first well say
20 about the injectivity potential of the reservoir at
21 this location? As well as what is the timeline in
22 which I'm required to sign a location, develop a C108
23 application and continue the process, the division
24 and/or commission process with seeking approval to
25 drill and complete that redundant well.

1 Q How will you know when you have enough data?

2 A I don't think there's any point in which you
3 have enough data. But I think having key data points
4 from this proposed White Russian AGI #1 well location
5 that are reflective and collected at the facility are
6 going to be critical pieces of data that should be
7 reviewed before committing to a final location for any
8 redundant well.

9 Q So it sounds very open-ended to me. It
10 could be six months;, it could be six years; it could
11 be 15 years; right, before you have enough data?
12 Well, so help me understand what the timeframe is.

13 A I think the -- the application process and
14 the expected conditions of approval from any such
15 order approving AGI #1 would not allow it to go to
16 very long periods of six years down the road here.

17 Q You mentioned expected conditions of
18 approval. What are you expecting as an expert, the
19 Oil Conservation Division to require in terms of when
20 the company comes back and seeks approval for a
21 redundant well?

22 A I think the best answer to that question
23 would be to look at recent conditions of approval for
24 various asset gas wells by the division or commission.

25 Q Well, but you mentioned having expectations

1 about conditions of approval. So I'm asking you what
2 you're expecting.

3 A My expectation is that a condition of
4 approval for AGI #1 proposed today will have a
5 schedule for which the division or commission would
6 expect to see the C108 application for the redundant
7 well to be submitted. And a schedule and date for
8 which the redundant well would be drilled, completed,
9 and in service.

10 Q You don't have any idea sitting here today
11 giving testimony what that schedule would look like?

12 A I think there have been -- with various
13 orders, I think there have been a variety of schedules
14 put -- put forward.

15 Q What's the range of schedules that you can
16 recall?

17 A The -- I believe the range of schedules
18 would probably be within one to two years.

19 Q Within one to two years of issuance of
20 authorization to inject for the primary well? Within
21 one to two years of what?

22 A I -- I think it really depends. I think
23 there are orders in which the -- the redundant well
24 application be submitted within one year of issuance
25 of the first permit. I think there may be examples of

1 the redundant well-being -- or the redundant well
2 application being required one year after drilling and
3 completing of the first well. I -- I think there's a
4 variety of them that -- that may be -- you know,
5 there's no one simple expectation. I think that's
6 had, you know, the decision of the commission or the
7 division.

8 Q Are you offering any recommendations either
9 to the client Lea Midstream or to the division
10 regarding the appropriate schedule condition for the
11 redundant well that would go into any authorization?

12 A No, I have not.

13 Q You don't have an opinion about what that
14 timeline should look like?

15 A At this point, my client nor the division or
16 the commission has requested I make any recommendation
17 with respect to that.

18 Q But I'm asking do you have an opinion about
19 the appropriate timeframe, professional opinion?

20 A I have no -- no specific opinion about it.
21 I think the process of the division and the commission
22 and their conditions of approval, I have no objection
23 to those. No issue.

24 Q And I just want to confirm, you have not
25 been retained at this point in time by Lea Midstream

1 or Producers Midstream to perform any further studies
2 on the location or the appropriateness of a particular
3 location for the redundant well, right?

4 A My existing retention to provide geologic
5 support services and project area analysis services is
6 still active. That is not -- that is a current
7 retention. The current scope of that retention is
8 focused on the application for the AGI #1 well.

9 Q Okay. I'm sorry. You say focused on. Just
10 to be really clear, you have not been asked to prepare
11 a redundant well application, as of today?

12 A No, I have not.

13 Q Okay. You mentioned earlier in your
14 testimony, Mr. White, that you've seen I think some
15 instances of acid gas injection well applications
16 being submitted and maybe even being approved by the
17 division or the commission without a redundant well,
18 can you think of any specific examples where that has
19 been the case?

20 A I mean, they -- they would be quite older
21 orders at this time. I mean, nothing beyond,
22 probably, 2018, 2017 would've come out without -- with
23 a singular acid gas well.

24 Q Okay. And what about applications? Here's
25 a slightly different question. What about

1 applications where a redundant well is contemplated
2 but is not identified when the application for the
3 primary well is filed? Can you think of specific
4 instances, let's say since 2018, before this body,
5 where such applications have been filed, other than
6 this one?

7 A To be clear, are you asking for an example
8 of an AGI well application which was approved, did not
9 by the applicant propose a redundant well? I'm just
10 making sure I understand your question.

11 Q That's fair. We'll get to approval, but
12 let's just talk about the application stage first. Do
13 you have in mind since 2018, any specific application
14 for acid gas injection where no redundant well
15 location has been proposed?

16 A Yes.

17 Q What are those examples?

18 A The application originally filed by Ameredev
19 in 2019 proposed an acid gas injection well at their
20 facility. The original application did not propose a
21 redundant -- well, did not discuss a redundant well.
22 The condition of approval by the commission, however,
23 did, as I described before, require a redundant well.
24 It did specify a timeline for that redundant well
25 being drilled and put into service and the relevant

1 application processes. And that well, you know, did
2 not propose that redundant well from the initial
3 application. Would you like another example?

4 Q I would like another example. But first let
5 me ask you, were you a participant in the Ameredev
6 application?

7 A Yes, I was.

8 Q Were you a consultant for Ameredev?

9 A Yes, I was.

10 Q Did any parties during that proceeding raise
11 concerns about the lack of a specific redundant well
12 location as part of the primary well application?

13 A Not that I recall.

14 Q Okay. But nonetheless, the location of a
15 redundant well that was -- that was made part of the
16 conditions of proof.

17 A It was.

18 Q Okay. What are the other examples that you
19 have in mind?

20 A Another example would be the original
21 application by Salt Creek Midstream.

22 Q And when was that application filed?

23 A 2019, I believe.

24 Q And were you a consultant for Salt Creek in
25 that matter?

1 A Yes.

2 Q Okay. And similar to Ameredev was a
3 condition regarding a redundant well imposed by OCC or
4 OCD as a condition of approval?

5 A Yes, it was.

6 Q Do you know why it was?

7 A Why a redundant well was --

8 Q What was required?

9 A Condition.

10 Q Do you have an understanding of why that
11 condition was imposed?

12 A Off the top of my head, I -- I can't recall
13 the specifics but --

14 Q Okay.

15 A -- so at -- at this point, no, I don't
16 recall.

17 Q Since 2018, are you aware of any specific
18 instance of an acid gas injection well application
19 being authorized being granted without the requirement
20 that there be a redundant well?

21 A Not that I can recall offhand.

22 MR. BIERNOFF: Okay. No more
23 questions. Thank you.

24 THE HEARING EXAMINER: Let's turn to
25 Mr. Million Gebremichael, the technical examiner in

1 this case. Would you spell your name for the record
2 please?

3 MR. GEBREMICHAEL: Yes. My name is
4 Million Gebremichael. M-I double L, I-O-N. And then
5 my last name is Gebremichael, G-E-B-R-E-M-I-C-H-A-E-L.
6 Right. I proceed. Yeah, I have few questions for
7 Mr. White. If I may direct your attention to page 49.

8 MR. FELDEWERT: Would you like me to
9 share?

10 THE HEARING EXAMINER: Please.

11 MR. GEBREMICHAEL: Yes.

12 MR. FELDEWERT: Is this what you're
13 looking at?

14 MR. GEBREMICHAEL: I wish you could go
15 to the one that I referred. The ones, yeah. That's
16 fine.

17 MR. FELDEWERT: I'm with you. This one
18 has 112 pages.

19 MR. GEBREMICHAEL: Yes. So on that
20 one, page 49, please.

21 MR. FELDEWERT: Sure.

22 MR. GEBREMICHAEL: Thank you.

23 MR. FELDEWERT: There we go. Page 49?

24 MR. GEBREMICHAEL: Yes.

25 MR. FELDEWERT: And just for the

1 record, this would be the initial Exhibit A filed with
2 the division on --hold on.

3 MR. GEBREMICHAEL: I think on 7/9/25.

4 MR. FELDEWERT: 7/9/2025.

5 MR. GEBREMICHAEL: 2025. Yes. So my
6 question is, Mr. White, you are planning a complete
7 acid simulation after your spot acidization? Would
8 this acid cause the solution be carbonate in the
9 secondary cover in the interval of the VCPM formation
10 for the Mississippi section above the wood formed
11 shale?

12 THE WITNESS: No, I don't believe so.
13 The stimulation program will ultimately be designed to
14 improve injectability at the well location. And with
15 the open hole injection zone that's being proposed,
16 being limited to the Silurian-Devonian interval, I
17 don't think there would be at the well location any
18 potential that that would cause any dissolution of
19 those units. I think, you know, significantly farther
20 away from the AGI well where -- as it's depicted in
21 its cross section that you reference, I think we don't
22 see any migration of fluids up structure to -- to
23 reach any of those features depicted here. And I
24 don't think any stimulation treatment would have any
25 impact over the greater project area.

1 MR. GEBREMICHAEL: Do you have any
2 control mechanism on the -- the extent of your acid
3 simulations?

4 THE WITNESS: Not offhand. I think in
5 consulting with a service provider that would -- that
6 would help design and finalize that stimulation
7 program those details and -- and the -- the lateral
8 extent could be determined. But at this point in the
9 very, very pre-construction process, you know, those,
10 those drilling and completion activities would still
11 be in -- in flux a bit.

12 MR. GEBREMICHAEL: Yeah, my worry in
13 this aspect is the -- the wood formed shale is thinner
14 and is part of the reservoir around 169 feet. So
15 probably a good control mechanism would be helpful on
16 this one. All right. If I may direct your attention
17 to Exhibit A, page 44. Mr. White, as you can see, the
18 overlaying pay zones depicted in the diagram, starting
19 from Yates all the way to the Wolfcamp, they may pose
20 the risk of loss of circulation. How are you planning
21 to mitigate this? Are you planning to deploy managed
22 pressure drilling?

23 THE WITNESS: I'm sorry, excuse me.

24 MR. GEBREMICHAEL: So those pay zones
25 are permeable zones, right? If -- if you see on the

1 diagrams starting from Yates and all the way to
2 Wolfcamp, those are oil and gas pay zones, right?

3 THE WITNESS: I see.

4 MR. GEBREMICHAEL: As you drill, there
5 may be -- there may be a -- a risk of loss of
6 circulations. So how are you planning to mitigate any
7 loss of circulation either during cementing or
8 drilling? And then if you are planning to utilize the
9 managed pressure drilling? Those are my questions.

10 THE WITNESS: So I think in terms
11 of -- of drilling and completion of the well, you
12 know, those drilling and completion plans are still
13 being developed. I don't disagree that some sort of
14 pressure management would be a good idea for some of
15 those zones. I think ultimately the decision to
16 utilize a managed pressure drilling system would be
17 evaluated as the mud programs are developed and -- and
18 the -- the drilling fluid records of those offsetting
19 wells are evaluated by the drilling contractor. I
20 think if appropriate or -- or if evidence is present
21 that seems it would be necessary or -- or beneficial
22 to utilize those in this area, I think that would be
23 a -- a good idea.

24 MR. GEBREMICHAEL: So in your drilling
25 program may be referred to past the map density, you

1 know, utilized in this part of the well?

2 THE WITNESS: I think that would be
3 part of it and consultation with the -- you know, the,
4 the mud engineers and the drilling fluids engineers
5 that -- that have been drilling in this area to make
6 sure that our plan is -- is appropriate for this
7 position within the base of this location within the
8 base.

9 MR. GEBREMICHAEL: Okay. Perfect. So
10 you're aware of that. All right. If I may direct
11 your attention to Exhibit A, page 38.

12 MR. FELDEWERT: PDF 38?

13 MR. GEBREMICHAEL: Yes. Yeah. Got it
14 right .

15 Mr. White, as you can see on the table,
16 both the active SWD well, which is the Wildrye SWD
17 well, which is approximately 1.1 miles away. And then
18 you got the plugged and abandoned well, the Toro 21,
19 which is within two miles. I'm not sure exactly how
20 far back which it is. Within two miles of the
21 proposed well. Both these wells penetrate the
22 injection zone of the proposed wells. Those were
23 completed with non-CRA, I mean, the corrosion
24 resistant alloys and then non-corrosion resistant
25 cement as well. Given your proposed secondary

1 porosity creation with asset stimulation and then your
2 calculation of the diploma occupation area of 3.24
3 square miles with a 1.47 miles extension for the
4 northeast, do you think these two wells will be
5 encompassed by the proposed wells plume or engulfed by
6 the plume?

7 THE WITNESS: So with respect to the
8 plug, well the current forecasts for the operation of
9 the AGI #1 well do not suggest that it would -- there
10 would reach those. As you had described, the
11 anticipated maximum extend from the eight point of
12 injection is currently anticipated by our reservoir
13 modeling and injection simulations to extend about 1.4
14 miles from the point of injection. Now, that is not
15 to say that that that is, you know, the -- the gospel
16 or the absolute -- an absolute accurate forecast. But
17 at least under those very conservative conditions, we
18 don't expect the plume to reach those distances away.

19 With respect to the Wildrye SWD well
20 that you mentioned, that well is currently located to
21 the southeast of the applicant's proposed facility or
22 proposed well location and is outside of those same
23 reservoir modeling and forecasts anticipated acid gas
24 injection plume. So I think in both of those
25 circumstances at this time as we understand it, we

1 don't expect those to be in contact with acid gas.
2 However, I think, you know, as is -- as they are
3 appropriately required to be identified in the
4 application process, I think continually keeping an
5 eye on where our plume forecasts are suggesting asset
6 gas is going with respect to the relation -- the --
7 the relationship to those wells, I think is important.

8 MR. GEBREMICHAEL: So you -- you
9 mentioned the total aerial occupation of the slum is
10 going to be 3.24 square miles. And then these wells
11 are within 1.1 mile and two miles. And then you are
12 planning to carry out acid stimulation for secondary
13 porosity. God knows where it's going to take you. So
14 you don't think they're going to be affected?

15 THE WITNESS: I don't think so. I
16 think -- I think ultimately, you know, the acid
17 stimulation is really designed to only improve
18 injectivity really kind of near the point of injection
19 and isn't designed to -- to have any far reaching
20 improvements to secondary porosity. So I think as you
21 know, you're getting toward the distance to these
22 wells. I don't think you have any stimulation program
23 that really impacts those substantially. And I think
24 in -- as part of the exhibits, we do provide plume
25 footprint maps for various case simulations that show

1 the anticipated footprint of the plume kind of moving
2 up structure to the northeast as a -- as a result of
3 buoyancy effects and -- and not towards the direction
4 of Wildrye well.

5 MR. GEBREMICHAEL: Okay. I'll proceed
6 to the next question. If I may direct your attention
7 to Exhibit A, page 43. I just want to confirm in the
8 past that you -- you did utilize CRA for this one.
9 But I just want to confirm. Are the control line and
10 the -- the valve flopper made of the corrosion
11 resistant materials?

12 THE WITNESS: Yes, they are.

13 MR. GEBREMICHAEL: They are. Okay.
14 All right. I'll proceed to the next question. If I
15 may direct your attention to page 19. So, Mr. White,
16 are the downhole pressure and temperature monitoring
17 devices connected via cable to a SCADA system?

18 THE WITNESS: Yes, they are.

19 MR. GEBREMICHAEL: They are. Why --
20 why did you not propose utilizing new technologies?
21 Like, I'm sure you've done that in the past. Like,
22 fiber optic data, just transmission like that, and PTS
23 for real time data gather, or do you have any plan
24 with the redundant well, then?

25 THE WITNESS: Well, I mean the -- the

1 data -- or the down hall data collection plan at the
2 moment is real time tied into SCADA, providing
3 continuous observation and recording of those data.
4 At this time, no. You know, at this time we don't
5 have any data objectives that would require or for
6 which we would propose a DAS line or a fiber optic
7 acoustic line to be installed in this well. At this
8 point, we don't have the -- any indications that that
9 would provide us something that -- that helps us
10 better evaluate this site or -- or monitor this site
11 outside of the continuous monitoring we already
12 propose.

13 MR. GEBREMICHAEL: You -- you know, I
14 do understand that, but as far as, you know, using the
15 annulus for mechanical check monitoring as well. But
16 these new technologies, also, they provide you with
17 images for back channeling and all those things. I'm
18 sure you did apply those with other cases. Do you
19 have any historical experience that this -- they have
20 been applied in practice and then --

21 THE WITNESS: I have some. I think
22 the -- you know, ultimately some of those technologies
23 are -- are relatively new.

24 MR. GEBREMICHAEL: Yes.

25 THE WITNESS: And so, not a lot of

1 historic precedents of seeing them in wells, seeing
2 the data they provide or their utility.

3 MR. GEBREMICHAEL: I didn't see the
4 cable that is connecting the bottom hole gauges and
5 the wellbore diagram. Is it there?

6 THE WITNESS: I don't -- I don't know
7 if it's depicted on the wellbore diagram. It is -- it
8 is a physical PEC cable that will connect to the down
9 hole sensors, be clamped along every joint of the
10 injection tubing, run to surface.

11 MR. GEBREMICHAEL: Okay.

12 THE WITNESS: I -- I don't know if it's
13 visually represented or not.

14 MR. GEBREMICHAEL: I didn't notice it,
15 but we will check with that one. If you check as
16 well, that would be great. All right. I'll proceed
17 to the next question. If I may direct your attention
18 to page 60. So, Mr. White, as you could see on the
19 bottom diagram at the top, it says "The FSP model
20 predicts minor potential for induced slip in response
21 to the adjacent SWD injection." Well, I'm assuming
22 that with the weld very well, maybe?

23 THE WITNESS: No -- no. So ultimately,
24 the -- the kind of investigation area of the fault
25 slip probability modeling is -- is a pretty large

1 area. We collected and compiled well data and
2 operating data from wells far to the northeast, which
3 include I think a few SWD wells that have been in
4 operation for a number of years. For which I think
5 they range from about six to eight miles to the
6 northeast, which they're represented in the map shown
7 on the screen.

8 MR. GEBREMICHAEL: What -- what was the
9 mileage, you say 6 to 7?

10 THE WITNESS: Six to eight miles to
11 that northeastern fault and that other cluster of SWD
12 wells.

13 MR. GEBREMICHAEL: Okay.

14 THE WITNESS: The Wildrye and the
15 exhibit shown on the screen would be just to the --
16 the lower right of the annotated AGI #1 well.

17 MR. GEBREMICHAEL: Okay. Well, the
18 point that I'm trying to get at is this, as you may be
19 aware, the operator of the active injector, well the
20 Wildrye well, is requesting an injection rate increase
21 to 50,000 barrels per day from OCD. Do you think an
22 injection rate increase would increase the potential
23 for induced seismicity? I mean, after years of
24 injection from the proposed AGI well, and then maybe
25 the subsequent redundant well, and then the active SWD

1 well, the combined downward -- downward migration
2 might affect the basement rock and then maybe the risk
3 of seismicity?

4 THE WITNESS: So I think that question
5 ultimately, you know, needs to be addressed by, you
6 know, our continued understanding of the reservoir
7 attributes. You know, at this location we see Wildrye
8 operating a pretty -- pretty, we'll call it, with a
9 pretty good high performing reservoir. And we don't
10 see a lot of pressure response to at least what it's
11 approved for now. So I think with each of those
12 injection wells, the -- the availability of data are
13 going to help to guide that. You know, it's hard --
14 it would be hard to say that at this point, you know,
15 our understanding suggests there would be an induced
16 seismicity risk, ultimately because from what we have
17 been able to do in evaluating the project area, we
18 don't see or interpret any faults at this particular
19 location.

20 Now, that doesn't mean if we get
21 additional data down the road, and we see that there
22 are faults in the area, then -- then the -- the
23 assessment of induced seismicity risk is -- is going
24 to have to be updated to -- to kind of characterize
25 that.

1 MR. GEBREMICHAEL: Yes. That -- that
2 kind of takes me to my next question. There's not any
3 page reference. But as any 3D seismic data utilized
4 in evaluation and preparation of the FSP model?

5 THE WITNESS: At this time, no. The
6 faults interpreted are either based on published
7 faults or -- or mapped faults that we've been able to
8 identify through well control. At this point, the
9 client is still continuing to try and identify if
10 there are 3D available to take the next step and
11 enhance our understanding of the project area.

12 MR. GEBREMICHAEL: Well, those are all
13 the questions I have for you, Mr. White. Thank you
14 very much.

15 THE WITNESS: Thank you.

16 THE HEARING EXAMINER: All right. And
17 so I've instructed the technical examiner to provide a
18 list to Mr. Feldewert of additional evidence that he
19 wants at the end of today's hearing. So we'll get to
20 that point. Mr. Feldewert, re-redirect.

21 RE-DIRECT EXAMINATION

22 BY MR. FELDEWERT:

23 Q Mr. White, looking at this exhibit and the
24 questions you just received from the examiner, his
25 concerns, will that be in part addressed as you drill

1 this well, and then you get data about the lithology
2 of the area that you're actually drilling into?

3 A Yes, that would absolutely help.

4 Q Okay. And is it for that reason why -- does
5 it make sense to you to obtain that data before you
6 determine a bottom hole location for any redundant
7 well?

8 A Yes.

9 MR. FELDEWERT: Okay. That's all the
10 questions. Thank you.

11 THE HEARING EXAMINER: Is there any
12 re-cross on that question, Mr. Biernoff?

13 MR. BIERNOFF: No, sir.

14 THE HEARING EXAMINER: Okay. Is there
15 any further questions on that issue Mr. Gebremichael?

16 MR. GEBREMICHAEL: No -- no.

17 THE HEARING EXAMINER: Okay. May this
18 witness be excused?

19 MR. FELDEWERT: Yes, sir.

20 THE HEARING EXAMINER: Okay. Thank
21 you, Mr. White.

22 THE WITNESS: Thank you.

23 THE HEARING EXAMINER: All right. Now
24 does that conclude your case in chief?

25 MR. FELDEWERT: Yes, sir.

1 THE HEARING EXAMINER: Okay, good.
2 Okay, let's deal with the objection to the exhibit
3 marked F. The objection was the timeliness of it and
4 the redundancy of it. And I've researched the rules
5 carefully while I've been listening to the testimony.
6 And while I agree that the rules of evidence in the
7 adjudicatory hearing under 19.15.4 do require the
8 pre-hearing statement to be filed at least four
9 business days prior, and part of the pre-hearing
10 statement is the list of the exhibits. In this case,
11 this hearing is going to be continued to a date that
12 we're about to decide. So when it comes to
13 timeliness, I don't find that a good ground to keep
14 these exhibits down.

15 On the other hand, there is the
16 redundancy of them. I do agree that to have this many
17 exhibits saying the same thing, which I understand why
18 you are submitting them, but I do agree that it is
19 redundant. So what I'm going to do is I'm going to
20 instruct the applicant to submit one of the documents.
21 You can choose any one of that you want and label it
22 as Exhibit F. And that can be part of your revised
23 hearing packet.

24 (Exhibit F was rejected.)

25 MR. BIERNOFF: Mr. Hearing Officer.

1 THE HEARING EXAMINER: Yes.

2 MR. BIERNOFF: There's an additional
3 problem from our point of view with this exhibit, even
4 in a truncated fashion. The testimony essentially of
5 an absent third party is being introduced to vouch for
6 Lea Midstream. Lea Midstream is saying, "Look, this
7 is really important and time sensitive. And here's
8 somebody else who can't make it to the hearing or
9 doesn't want to come to the hearing who believes this
10 to be true. And we're going to bolster our
11 application by bringing in other people. I wouldn't
12 have an objection to a witness from Lario, or BTA, or
13 the company that they choose coming here and saying
14 this. I will then have an opportunity to ask
15 questions of that person, which I think we're entitled
16 to do.

17 If they're saying that there's great
18 urgency, there's a lot of things that we might want to
19 know about efforts that they've made or not made to
20 seek other AGI wells. Because there are, of course,
21 other AGI wells that these companies can utilize. And
22 so I think it's inappropriate as a matter of fairness,
23 of being able to essentially confront hearsay
24 testimony by having that person here. And if they're
25 not going to be here, then I think the entirety of

1 Exhibit F should be stricken.

2 THE HEARING EXAMINER: Well,
3 Mr. Biernoff, the rules of evidence are not in effect
4 here --

5 MR. BIERNOFF: Understood.

6 THE HEARING EXAMINER: --in the
7 adjudicatory forum. I have no reason to doubt the
8 authenticity of the letter. Mr. Feldewert is
9 admitting or seeking to admit these Exhibit F's, not
10 necessarily for what you said, but mainly for the idea
11 that this is a service that we need in the oil patch.

12 MR. BIERNOFF: Well, and as a general
13 matter, yes, I think we can all agree that acid gas
14 injection wells are needed by the industry. Does this
15 specific well, that this specific company seeks to be
16 issued, as they say on an expedited basis, really
17 deserve that treatment? You know, I think if Coterra,
18 or Lario, or whoever the declarant ends up being wants
19 to say that, I think that's legitimate. But so who?
20 Is it appropriate and relevant for the land office to
21 be able to ask what are you doing with gas that you
22 need to dispose of now? Where is that going? If
23 you're claiming that this is urgent, is that because
24 it's more convenient or is that because you really
25 don't have any other market options? Those are fair

1 questions if this door is going to be opened. And so,
2 that's my point, Mr. Hearing Officer.

3 THE HEARING EXAMINER: And I understand
4 your point, and I think there's ways to deal with your
5 point. I'm still ruling that one of these letters can
6 be attached to the revised exhibit packet and marked
7 as supplemental exhibit F. I understand your
8 objection. I'm overruling your objection. However,
9 Mr. Biernoff, if you want to cross-examine or if you
10 want to examine any of these witnesses, then I think
11 you can arrange that with Mr. Feldewert. He might be
12 able to have one of these witnesses or letters -- I
13 don't know which one of these letters you might
14 choose, Mr. Feldewert, to attach to your revised
15 exhibit packet. But if you could let Mr. Biernoff
16 know which one it is, then we can make arrangements
17 for that witness to appear virtually so that
18 Mr. Biernoff can pose questions to him as he so
19 chooses.

20 MR. FELDEWERT: Mr. Examiner, the only
21 thing I'm struggling with here is the State Land
22 Office in their pre-hearing statement only raised two
23 concerns. They did not suggest, for example, that
24 this was not needed. Okay. They didn't object to the
25 web. They just said we're unclear about the redundant

1 well, and we want you to pay us for the pore space
2 that you may use at some unknown point in the future.
3 That's all they raised. So I think it's improper for
4 them to now come in and say, "Well, we don't
5 think" -- he seems to be saying, and maybe I've heard
6 it wrong, that they seem to be saying, "Well, we don't
7 think you really need this well." Is that what
8 they're saying, and if so, it's untimely and should
9 not be allowed.

10 THE HEARING EXAMINER: I think,
11 Mr. Feldewert, it's not something that the State Land
12 Office would've known about because this was submitted
13 just yesterday, this part of your exhibit packet.
14 This was a revised exhibit packet.

15 MR. FELDEWERT: Agreed on this letter.
16 Okay. But the point that he seems to be disputing is
17 the need for this well, in the area. That is
18 addressed by our witness, Mr. Halfast.

19 THE HEARING EXAMINER: I think he just
20 said a moment ago, everyone can agree that we need
21 acid gas injection wells. He just stated that a few
22 minutes ago when he was, you know, reasserting his
23 objection, which basically, you know, I've already
24 given my decision on this.

25 MR. FELDEWERT: Okay.

1 THE HEARING EXAMINER: And I think the
2 idea being that if he wants to ask questions to
3 whoever it is who authored the exhibit that I've
4 already allowed you to admit in your revised exhibit
5 packet, and there needs to be more revisions according
6 to Mr. Gebremichael then he should be able to ask the
7 questions to that witness. So somehow that needs to
8 be worked out. We need to come up with a new date.
9 Before that, Mr. Gebremichael, would you explain what
10 additional evidence you want?

11 MR. GEBREMICHAEL: It's not additional
12 evidence, but based on the response and the
13 applications, OCD would like to make some conditions
14 of approval if we're going to proceed with this one.
15 And then we want to give them some heads up what those
16 conditions going to be.

17 THE HEARING EXAMINER: So you don't
18 need any revised exhibits?

19 MR. GEBREMICHAEL: No.

20 THE HEARING EXAMINER: Okay. Then why
21 don't we deal with that at the very end of the
22 hearing?

23 MR. GEBREMICHAEL: We could do that.

24 THE HEARING EXAMINER: Yes.

25 MR. FELDEWERT: Mr. Examiner, may I

1 suggest something? Can we take a break since it's
2 lunch anyway,

3 THE HEARING EXAMINER: I was going to
4 call the hearing for today.

5 MR. FELDEWERT: For the purpose of
6 allowing us to come back and ascertaining whether
7 there's really a need for another hearing.

8 THE HEARING EXAMINER: So you feel like
9 you want to discuss something else? That's fine with
10 me. Yes.

11 MR. BIERNOFF: Mr. Hearing Officer, I
12 would just, as soon -- I'm happy to have any
13 discussion, although we've been looking for answers
14 from the Midstream for a long time, but not heard any.
15 I'd be happy to have further discussions with Counsel.
16 However, I would ask that we set a date and then if
17 that doesn't need to proceed, it doesn't need to
18 proceed. And we would promptly advise you if we're
19 able to resolve everything. But selfishly I would
20 like to not have to come back after lunch if we're
21 done with the meat of this hearing.

22 THE HEARING EXAMINER: Thank you.

23 Mr. Feldewert, do you have an objection
24 to just setting a date and then the parties can advise
25 the division?

1 MR. FELDEWERT: No, I don't. That's
2 fine.

3 THE HEARING EXAMINER: That's the way I
4 prefer to do it instead of having to come downstairs
5 in and hour to hear.

6 MR. FELDEWERT: Go ahead. I'm sorry.

7 THE HEARING EXAMINER: So we are
8 available tomorrow. We're available Thursday. We're
9 available --

10 Freya, correct me if I'm wrong, but
11 we're available next week on the 22nd and 23rd, as
12 well.

13 MS. TSCHANTZ: There's an OCC meeting
14 this Thursday.

15 THE HEARING EXAMINER: Ah, thank you.

16 MS. TSCHANTZ: We will not be
17 available. We are already scheduled for status
18 conferences on the 24th. So we'll have a court
19 reporter present then. As for earlier in the week,
20 checking.

21 THE HEARING EXAMINER: If we need to do
22 this virtually to hear this within the next week, I'm
23 okay with that. I don't want to hear it after the --
24 I don't want to come back after the 22nd. So the 22nd
25 for me is the last day to hear the rest of this case.

1 So with that being said, Mr. Biernoff, really we're
2 talking about your witnesses. What date do you want
3 to bring your witnesses to the hearing?

4 MR. BIERNOFF: The best dates for us,
5 your Honor, Mr. Hearing Officer, are going to be
6 either Monday, the 21st, in the morning. I don't know
7 if --

8 THE HEARING EXAMINER: Keep going.

9 MR. BIERNOFF -- this is a nine o'clock
10 setting. I mean, I'm assuming that.

11 THE HEARING EXAMINER: Monday doesn't
12 work but keep going.

13 MR. BIERNOFF: Okay. Well, so if
14 Monday doesn't work, Tuesday the 22nd.

15 THE HEARING EXAMINER: I didn't hear if
16 Friday is open for you all, but we're all available.
17 Okay. Let's go to Mr. Feldewert.

18 Mr. Feldewert.

19 MR. FELDEWERT: Friday works.

20 THE HEARING EXAMINER: Friday works.

21 MR. FELDEWERT: Yeah. The 18th.

22 THE HEARING EXAMINER: Okay. I'd like
23 to do that as early as possible on the 18th. Are we
24 talking about coming back to this room or just
25 virtually?

1 MR. FELDEWERT: I would prefer to come
2 back to this room.

3 THE HEARING EXAMINER: Okay.

4 MR. FELDEWERT: The witnesses is here.

5 THE HEARING EXAMINER: That's fine.
6 Will your witnesses be here?

7 MR. BIERNOFF: I was hoping that at
8 least one of the witnesses could participate
9 virtually. I'm happy to be here if that makes a
10 difference.

11 THE HEARING EXAMINER: Both of your
12 witnesses can appear either virtually or in person.
13 I'm just asking so that I know what we need to do.

14 MR. BIERNOFF: We'll have one witness
15 who needs to, if possible, appear remotely.

16 THE HEARING EXAMINER: And then another
17 one would be here?

18 MR. BIERNOFF: Right.

19 THE HEARING EXAMINER: Fine. So 8:00
20 a.m. on Friday morning? Okay. Mr. Feldewert, 8:00
21 a.m.?

22 MR. FELDEWERT: Eight o'clock.

23 THE HEARING EXAMINER: That's it.

24 MR. FELDEWERT: Will the room be open
25 by then?

1 THE HEARING EXAMINER: It's going to be
2 open. We'll open it early. We'll be here. I get
3 here at seven.

4 MR. FELDEWERT: Okay. That's fine.

5 THE HEARING EXAMINER: So I will be
6 here to welcome you with open arms --

7 MR. FELDEWERT: I'm not going to object
8 to that.

9 THE HEARING EXAMINER: -- on Friday
10 morning.

11 MR. BIERNOFF: I hope there's going to
12 be coffee and donuts.

13 THE HEARING EXAMINER: I don't think
14 so, unless you bring them there won't be.

15 Mr. Gebremichael, are you're okay with
16 8:00 a.m. on Friday morning?

17 MR. GEBREMICHAEL: No. I am okay. But
18 I present the questions Friday as well, if you need me
19 there.

20 MR. BIERNOFF: Mr. Gebremichael, the
21 correct answer is no, I'm not okay with Friday at 8:00
22 a.m.

23 THE HEARING EXAMINER: Too late.

24 MR. GEBREMICHAEL: We come early, you
25 know.

1 THE HEARING EXAMINER: So now is there
2 anything else, Mr. Feldewert that you want to
3 accomplish now before we break for the day?

4 MR. FELDEWERT: No -- no.

5 THE HEARING EXAMINER: I know
6 Ms. Vance, don't worry. I'm not forgetting you
7 Ms. Vance.

8 MS. VANCE: Thank you. Okay. So,
9 Mr. Feldewert, we'll see you here at a little before
10 eight o'clock on Friday morning to continue this
11 hearing.

12 MR. FELDEWERT: Sounds good. Thank you
13 for your time.

14 THE HEARING EXAMINER: Thank you. And
15 so, please decide which of those exhibit Fs you want
16 to keep in the packet. Do you already know which one?

17 MR. FELDEWERT: No, I don't.

18 THE HEARING EXAMINER: Okay

19 MR. FELDEWERT: But do you need me to
20 refile the entire packet or can I just submit a
21 supplemental Exhibit F?

22 THE HEARING EXAMINER: Well, the
23 problem is that we have two exhibit packets in the
24 record as of now. We have the original one from the
25 9th.

1 MR. FELDEWERT: Right.

2 THE HEARING EXAMINER: We have the one
3 from the 14th, which has all of the F letters in
4 there.

5 MR. FELDEWERT: Right.

6 THE HEARING EXAMINER: We just want to
7 have one letter in there.

8 MR. FELDEWERT: Right.

9 THE HEARING EXAMINER: So I'd prefer to
10 have it resubmitted with just the one letter.

11 MR. FELDEWERT: The entire package, A
12 through F?

13 THE HEARING EXAMINER: Yes, please.

14 MR. FELDEWERT: Okay. Will do.

15 THE HEARING EXAMINER: Thank you. And
16 please, would you mark it second revised exhibit
17 packet?

18 MR. FELDEWERT: Yes.

19 THE HEARING EXAMINER: Mr. Biernoff,
20 anything else for today.

21 MR. BIERNOFF: Nothing else from me.
22 Thank you.

23 MR. FELDEWERT: Thank you. We'll see
24 you then.

25 THE HEARING EXAMINER: Ms. Vance, let's

1 recall your cases and let's dispose of them.

2 MS. VANCE: Thank you, your Honor.

3 THE HEARING EXAMINER: I want to recall
4 case 25388, 25390, 91, and 93. Ms. Vance, we already
5 have your entry.

6 The technical examiner has reviewed the
7 revised exhibit packet. I don't know if your
8 microphone's on or not.

9 MS. VANCE: It is. Do you need me to
10 turn it off?

11 THE HEARING EXAMINER: No, it's great.

12 MS. VANCE: Okay.

13 THE HEARING EXAMINER: I just didn't
14 see it from here. And he says that we're good to go.
15 We will take these four cases under advisement. So
16 we're done.

17 MS. VANCE: Thank you.

18 THE HEARING EXAMINER: All right.

19 MS. VANCE: Greatly appreciated.

20 THE HEARING EXAMINER: You're welcome.
21 Ms. Hardy, did you stick around for anything in
22 particular?

23 MS. HARDY: I was.

24 THE HEARING EXAMINER: You're going to
25 lunch with Ms. Vance?

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MS. HARDY: No, I was on the same cases.

THE HEARING EXAMINER: Oh, you were on the same case. I didn't know that.

MS. HARDY: Yes.

THE HEARING EXAMINER: Then we're off the record and thank you.

(Whereupon at 12:00 p.m., the proceeding was concluded.)

CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action. July 28, 2025



JAMES COGSWELL

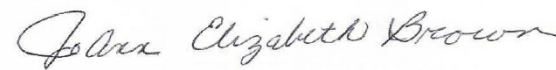
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JOANN E. BROWN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

July 28, 2025



JOANN E. BROWN

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